



**STATE OF INDIANA**



**Eric J. Holcomb, Governor**  
**Devon McDonald, Executive Director**

## **Certification of Advance Determination of Suitability for Individuals Interacting with Participating Minors**

On behalf of the Subrecipient, and in support of this grant agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department") and to the Indiana Criminal Justice Institute ("ICJI") that all of the following are true and correct:

I have the authority to make the following representations on behalf of this organization.

I certify that this organization will implement processes to make advance determinations of suitability for all individuals who may interact with participating minors as part of programs/activities funded (in whole or in part) with funds awarded from ICJI in compliance with the following.

1. Advance determination regarding suitability. The recipient (and any subrecipient at any tier) may not permit any covered individual (to include employees, consultants, contractors, employees of a contractor, trainees, volunteers, and/or teachers) to interact with any participating minor in the course of activities under the award, unless the recipient or subrecipient first has made a written determination of the suitability of that individual to interact with participating minors, based on current and appropriate information and taking into account the factors and considerations described in paragraph 4.
2. Updates and reexaminations
  - A. The recipient (or subrecipient) must, at least every five years, update the searches described below, reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination.
  - B. The recipient also must reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.
3. Current and appropriate information

In addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by the recipient's (or subrecipient's) written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

### (1) Public sex offender and child abuse websites/registries

A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably- accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including--



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- (a) the Dru Sjodin National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov));
- (b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
- (c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

### (2) Criminal history registries and similar repositories of criminal history records

For each individual at least 18 years of age who is a covered individual under this FY 2019 award, a fingerprint search (or, if the recipient or subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) - encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including--

- (a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
- (b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

### 4. Factors and considerations for determining suitability.

In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the recipient's (or subrecipient's) written policies and procedures, in making a determination regarding suitability, the recipient (or subrecipient) must consider the current and appropriate information as collected within the applicable timeframes.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the recipient (or subrecipient) may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual—

- A. Withholds consent to a criminal history search required by this condition;
- B. Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- C. Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
- D. To the knowledge of the recipient (or subrecipient), has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following



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- crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):
- 1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
  - 2) rape/sexual assault, including conspiracy to commit rape/sexual assault;
  - 3) sexual exploitation, such as through child pornography or sex trafficking;
  - 4) kidnapping;
  - 5) voyeurism; or
- E. Is determined by a federal, state, tribal, or local government agency not to be suitable.

Furthermore, I certify that I understand that these records may be monitored by the federal awarding agency and/or ICJI at any time and will retain copies of the records in accordance with federal record retention requirements.

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Project Name

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Agency

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Authorizing Official Signature

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Printed Name

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Date

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Financial Officer Signature

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Printed Name

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Project Director Signature

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Printed Name

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Date