



**DEPARTMENT OF JUSTICE**  
CRIME VICTIM AND SURVIVOR SERVICES DIVISION

May 13, 2024

**Determination of Suitability to Interact with Minors:  
Meeting the Fingerprint-Based Background Check Requirement**

- OVC and OVW award conditions require determination of suitability for certain individuals who may interact with participating minors. This includes a requirement to obtain fingerprint-based background checks. See **Exhibit A** for details of OVC and OVW federal award conditions.
- The Oregon State Police provides fingerprint-based background checks when there is a statutory mandate to do so. OSP confirmed that without a statutory mandate, they do not have authority to provide fingerprint-based background checks.
- The award condition to determine suitability to interact with minors is not found in statute but is an OVC and OVW award condition. CVSSD confirmed that this federal award condition is a legal requirement but is not a statutory requirement.
- Oregon DHS Background Check Unit (BCU) Clearinghouse does fingerprint-based, criminal record background checks on employees and volunteers for certain businesses or organizations not governed by a state regulatory or licensing agency. **This includes organizations that provide care for youth under the age of 18.**

**If an organization does not have access to a fingerprint-based search through Law Enforcement, organizations must use the BCU Clearinghouse to comply with the OVC and OVW award condition.**

- **About the BCU Clearinghouse:**
  - BCU Clearinghouse website:  
[Oregon Department of Human Services : BCU Clearinghouse : Background Checks : State of Oregon](#)
  - The BCU does a fingerprint background check that consists of:

- A **name based criminal records check** through the Oregon State Police Law Enforcement Data System (LEDS).
- A **fingerprint based criminal records check** through the Oregon State Police and the FBI.
- If there are any convictions, they will consider the following factors in making a fitness determination (per ORS 181A.190(4)(b)):
  - The nature of the crime;
  - The facts that support the conviction or indicate the making of a false statement;
  - The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position, or employment; and
  - Intervening circumstances relevant to the responsibilities and circumstances of the position or employment such as:
    - The passage of time since the commission of the crime;
    - The age of the person at the time of the crime;
    - The likelihood of a repetition of offenses; and
    - The subsequent commission of another relevant crime and the recommendation of an employer.
- A **fitness determination**. The final outcome of a criminal records check is either approval, restricted approval, or denial. If an applicant is denied or given restricted approval, they have the right to appeal.
- If BCU can't complete the fitness determination (for example not receiving fingerprints or requested information) the criminal records check will be closed as incomplete.
- The fingerprint-based national criminal records check provides any information that states provide to the FBI. They see history for the entirety of an adult's life, and some states even provide juvenile history. Since the Clearinghouse statute (ORS 181A.190) points to the Department of Administrative Services statute (ORS 181A.215) and its rules (OAR Chapter 125, division 007) the BCU follows those rules that indicate that all felonies and misdemeanors are potentially disqualifying—there is no limit on how old they are.

- In all cases, BCU makes the final fitness determination; they cannot share any criminal history with the agencies, facilities, and programs. If BCU denies a subject individual or makes a restricted approval, the subject individual has hearing rights.
  - CVSSD requires that if the BCU denies an individual, the organization must exclude them from interacting with minors.
- There is a fee for a Clearinghouse check that is paid to BCU:
  - \$66.25 for employees or contracts of the business or organization and
  - \$64.25 for volunteers.
- A separate fingerprint fee is paid to FieldPrint or the agency that does the fingerprinting.
- **To access the BCU Clearinghouse services**
  - Visit their website at: [Oregon Department of Human Services : BCU Clearinghouse : Background Checks : State of Oregon](https://www.oregon.gov/odhs/odhsaha/odhsaha-clearinghouse/background-checks/state-of-oregon)
    - You will be required to send an email:
      - Explain what your organization does
        - Be sure to include the following language: **“Our organization interacts with and provides direct services to minors under the age of 18.”**
      - Request the Clearinghouse materials
  - The BCU will send you materials to review and instructions on how to get set up with their services.
  - You will designate people who can submit background checks into their system (called ORCHARDS).
  - They have online training available or people who submit background checks.
  - **If you are requesting background checks for a large group of people at one time, please send an email to [bcu.clearinghouse@odhsoha.oregon.gov](mailto:bcu.clearinghouse@odhsoha.oregon.gov) letting them know the number you will be submitting so that they can prepare with staffing.**
  - When you submit for background checks in the ORCHARDS system be sure to include the following:
    - Position title and description of the person being screened

- If you do not see the position title you need, please use the title “other” and send an email to [bcu.clearinghouse@odshoha.oregon.gov](mailto:bcu.clearinghouse@odshoha.oregon.gov) asking for your position title to be added to the Clearinghouse positions list.
- **Include this language: “Our organization interacts with and provides direct services to minors under the age of 18. This background check is required to comply with Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA) federal grant award conditions”.**
  - This is important to include so that they know to apply the exclusions specific to your award conditions (Sections 4.A., B., and D., of **Exhibit A**).
- Once the request for the background check is submitted in ORCHARDS, the individual whose background check is being requested will be sent the information reflected in **Exhibit B**.

Although this process does not provide the background information directly to organizations for them to make an assessment, it is a process that gives access to fingerprint background checks that is otherwise not available.

- **Additional Steps to Fully Comply with the Requirement to Determine Suitability:**
  - Programs using the BCU process must also comply with all other components of the award condition. These components are:
    - Complete required searches of public sex offender and child abuse websites/registries:
      - The Dru Sjodin National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov))
      - The website/public registry of each state (and/or tribe, if applicable) in which the person lives, works or goes to school, or has lived, worked, or gone to school at any time during the past five years;
      - 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.

- Follow the factors identified in the award condition to determine suitability
  - The BCU Clearinghouse will screen out those identified in 4.A., B., and D. of the award conditions (**Exhibit A**)
  - Organizations will need to separately screen out those meeting the criteria found in section 4.C. of the award conditions (**Exhibit A**).
- Complete the written determination of suitability **before** a person is allowed to interact with a participating minor. (See **Exhibit C** for sample tracking form.)
- Update the searches every five years and reexamine suitability.
  - Any time an organization learns of information that may suggest that a person is unsuitable they must, if appropriate, modify or withdraw the determination.
- Document your determinations and keep those records on file.
- Organizations must have policies and procedures in place documenting their compliance with the award condition and noting use of the BCU background check as approved by DOJ CVSSD.
- Organizations must be able to demonstrate their compliance with this requirement and their documentation practice upon request of CVSSD when monitoring for compliance.

**Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors**

The following award condition is incorporated by reference into many OJP and OVW awards, starting in calendar year 2019. (Please refer to the terms and conditions that accompany the award documents.)

**Award Condition:**

**Determination of suitability required, in advance, for certain individuals who may interact with participating minors**

1. Advance determination regarding suitability. The recipient (and any subrecipient at any tier) may not permit any covered individual 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 as described in paragraph 3.E., 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 in paragraph 3.E.1. and 2., 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. Definitions

A. "Covered individual" means any individual (other than a participating minor, as defined in this condition, or a client of the recipient (or subrecipient)) who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with the recipient (or

subrecipient). Such an individual might be an employee of a recipient (or subrecipient), but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.

B. "Participating minor." All individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the award document are participating minors.

C. "Interaction" includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. But "interaction" does not include--

(1) brief contact that is both unexpected by the recipient (or subrecipient) and unintentional on the part of the covered individual -- such as might occur when a postal carrier delivers mail to an administrative office.

(2) personally-accompanied contact -- that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the recipient (or subrecipient) that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.

D. "Activities under the award." Whether paid for with federal funds from the award, "matching" funds included in the OJP-approved budget for the award, or "program income" for the award as defined by the (DOJ) Part 200 Uniform Requirements), activities under the award include both--

(1) activities carried out under the award by the recipient (or subrecipient); and

(2) actions taken by an entity or individual pursuant to a procurement contract under the award or to a procurement contract under a subaward at any tier.

E. "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--

(a) the Dru Sjodin National Sex Offender Public Website

(<https://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 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 in determinations regarding 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 described in paragraph 3.E.

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 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.

5. Administration; rule of construction

A. The requirements of this condition are among those that must be included in any subaward (at any tier), and must be monitored. They apply as of the date of acceptance of this award, and throughout the remainder of the period of performance.

B. The recipient is to contact the DOJ awarding agency with any questions regarding the requirements of this condition and must not allow a covered

individual to interact with a participating minor until such questions are answered.

C. Award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition, provided that such funds would not supplant non-federal funds that would otherwise be available for such costs.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal, state, tribal, or local law, including any applicable civil rights or nondiscrimination law.

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[Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors | Office of Justice Programs \(ojp.gov\)](#)

<https://www.justice.gov/ovw/award-conditions> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors)



SHARED SERVICES  
Background Check Unit



Note: This document is several pages long and contains important information regarding your rights during a criminal records check; [what is potentially disqualifying](#), how a decision is made, and possible outcomes.

This document contains links to further information online which can still be used if you save this document. If you print this document, all links to online information are written out on the last page.

### **SUBJECT INDIVIDUAL AUTHORIZATION STATEMENT FOR CRIMINAL RECORDS CHECK**

**You, as the subject individual, are authorizing the following:**

My submission of this criminal records check authorizes the Oregon Department of Human Services Background Check Unit (BCU) to initiate a criminal records check, which includes a national criminal records check requiring fingerprints, and to receive the results from Oregon State Police and the FBI.

My submission of this criminal records check authorizes BCU to request and receive any police, court or investigation reports needed to complete this criminal records check. In the event BCU discovers potentially disqualifying convictions, BCU may notify me at the address, phone number or email I have given to request additional information.

My submission of this criminal records check authorizes BCU to release information given in this criminal records check request or position information to any criminal justice agency or investigative body as needed for investigation, outstanding warrants or supervision requirements.

**I authorize BCU to process this criminal records check request. I certify that all statements I make regarding this criminal records check are currently accurate. I understand that in the event of changes, I need to provide any updates of my personal information (name, address, contact information) to BCU while this criminal records check is still pending. I understand that if I provide false or incomplete information, my application may be closed or I may be denied the position this criminal records check is for. I understand that information and documents collected for this criminal records check may be used in subsequent fitness determinations.**

## **SUBJECT INDIVIDUAL RIGHTS AND NOTIFICATIONS REGARDING THE CRIMINAL RECORDS CHECK**

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or placement as a volunteer), you have certain rights. The Oregon Department of Human Services Background Check Unit (BCU), authorized by the Oregon State Police in accordance with [ORS 181A.190](#), must provide you with certain notifications.

**Authority** — BCU is authorized by state law to complete criminal records checks on subject individuals (SIs) who work or volunteer at businesses or organizations which provide care or placement services, or licenses or certifies others to provide care or placement services, for children, elderly persons or dependent persons; and which are not governed by a state regulatory or licensing agency ([ORS 181A.190](#); OAR [125-007-0200 to 125-007-0330](#)). The business or organization determines who is subject to a criminal records check.

Depending on the position for which you are having the criminal records check, there may also be federal authority for the criminal records check under the following:

- The Department of Justice, under the authorization in [ORS 147.231](#), provides grants to organizations under the following Acts.
  - The Federal Victims of Crime Act (VOCA) of 1984 as amended ([34 US Code Chapter 201](#)).
  - The Federal Violence Against Women Reauthorization Act of 2022, as amended ([34 USC 12291](#)).

These grants have a specific [award condition for grantees regarding individuals who may interact with participating minors](#), which includes the need for a fingerprint-based criminal records check.

**Providing Social Security number is voluntary** — Providing your Social Security Number (SSN) for this criminal records check is voluntary. BCU is requesting it under the authority of the federal and state codes and statutes listed in this document to complete the criminal records check. If you provide your SSN, BCU will use it as a unique identifier to help confirm your identity since many people have the same name and date of birth. BCU will also keep all your criminal records check records collected under your SSN which may speed the criminal records check process.

**Placement during criminal records check** — Oregon statutes, federal directives or the organization requesting this criminal records check determine if you can work or hold the position prior to the completion of the criminal records check.

**Sources checked** — BCU checks information from the Oregon Driver and Motor Vehicle Services Division, Oregon Department of Corrections, Oregon State Police, and the Federal Bureau of Investigation (FBI). BCU may use information from other criminal justice, corrections and law enforcement agencies and other state and local government agencies, including local, state and federal courts. Your fingerprints will be used to check the criminal history records held by the Oregon State Police and FBI.

BCU shall use the information received only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

**FBI Privacy act statement** – You are subject to a fingerprint-based criminal records check for this application. The following information is a required statement regarding fingerprinting. This privacy act statement is also located on the back of the [FD-258 fingerprint card](#).

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under [28USC 534](#). Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and

other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Please note: Oregon has statutes in place that require the destruction of fingerprint cards or capture. See [ORS 181A.190](#).

**Challenging criminal information** — You have the right to challenge your criminal record if you believe it has inaccuracies. You may request a copy of the national FBI criminal report from BCU. Alternatively, if you want to obtain a copy of your records, or challenge information in the record, you must contact:

- The Oregon State Police, 503-378-3070, extension 330 or Oregon State Police, Identification Services Section, 3565 Trelstad Ave SE, Salem, OR 97317 (for Oregon criminal records). [OAR 257-010-0035](#) provides further information on obtaining and challenging your Oregon Record.
- The FBI, following the instructions of the [FBI Identity History Summary Checks website](#) (for national criminal records). The procedure for obtaining a change, correction, or updating an FBI record are set forth in [Title 28 CFR 16.34](#).

You have the right to a reasonable amount of time to confirm the accuracy and completeness of your criminal record, or decline to do so, before you are denied for the position that is the reason for the criminal records check. Depending on your previous contacts with law enforcement and courts, you may need to contact several sources to find your complete criminal records. Contact information for law enforcement and courts is available online using search engines.

The following information gives you details about the criminal records check. Please review this information.

## **SUBJECT INDIVIDUAL FURTHER INFORMATION REGARDING THE CRIMINAL RECORDS CHECK**

**What is potentially disqualifying** — All criminal convictions, including felonies, misdemeanors, military crimes, or international crimes, regardless of how long ago the conviction occurred are potentially disqualifying.

If BCU finds any potentially disqualifying convictions, it will complete a weighing test to make a final fitness determination. The factors and BCU considered are listed in [ORS 181A.190\(4\)\(b\)](#). Review the Department of Administrative Services (DAS) and the Oregon State Police criminal records check rules available at the [BCU Clearinghouse web page](#) for further information.

When you disclose any potentially disqualifying convictions or conditions in the authorization and disclosure, you will also find additional linked documents to help you provide information BCU can use in the weighing test. You also have the opportunity to upload or email documents regarding your disclosures. Please save or print out these documents for your reference.

**Possible outcome of your criminal records check** – The criminal records check can have one of the following outcomes:

- **Approved:** You are approved for the position the criminal records check is for. An approval does not guarantee employment or placement.
- **Approved with restrictions:** You are approved to work in the position this criminal records check is for but are restricted to a specific client, a specific work site or a set of duties. This decision may be appealed. A restricted approval does not guarantee employment or placement.
- **Denied:** You are denied for the position this criminal records check is for. Under the Clearinghouse statutes, your agency is not bound by this decision, but it may decide to take action against you. Regardless, this denial may be appealed. It is possible that an appeal may not have any impact on the agency's actions.
- **Ineligible:** If you have any convictions or conditions that would make you subject to a federal exclusion (*for example*, mandatory exclusions for Department of Justice grants), BCU will issue you a notice and you may not hold the position the criminal records check is for and must be terminated immediately. The [award condition for grantees regarding individuals who may interact with participating minors](#) lists mandatory exclusions for positions under Department of Justice grants.
- **Case closed:** If you do not provide a complete and accurate disclosure of your criminal history or you do not cooperate with this criminal records check process, your application may be closed without a final decision. There are no appeal rights, but you may be able to reapply immediately.

If you have questions or need this form in large print or in a different format, contact the agency for which you are completing this criminal records check.

#### LINKS USED IN THIS DOCUMENT

[ORS 181A.190: https://www.oregonlegislature.gov/bills\\_laws/ors/ors181A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181A.html)

[125-007-0200 to 125-007-0330:](https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=227)

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=227>

[ORS 147.231: https://www.oregonlegislature.gov/bills\\_laws/ors/ors147.html](https://www.oregonlegislature.gov/bills_laws/ors/ors147.html)

[34 US Code Chapter 201: https://www.govinfo.gov/content/pkg/USCODE-2022-title34/pdf/USCODE-2022-title34-subtitleII-chap201.pdf](https://www.govinfo.gov/content/pkg/USCODE-2022-title34/pdf/USCODE-2022-title34-subtitleII-chap201.pdf)

[34 USC 12291: https://www.govinfo.gov/app/details/USCODE-2022-title34/USCODE-2022-title34-subtitleI-chap121-subchapIII-sec12291](https://www.govinfo.gov/app/details/USCODE-2022-title34/USCODE-2022-title34-subtitleI-chap121-subchapIII-sec12291)

[award condition for grantees regarding individuals who may interact with participating minors: https://www.ojp.gov/funding/explore/interact-minors](https://www.ojp.gov/funding/explore/interact-minors)

[FD-258 fingerprint card: https://www.fbi.gov/file-repository/identity-history-summary-request-fd-258-110120/view](https://www.fbi.gov/file-repository/identity-history-summary-request-fd-258-110120/view)

[28USC 534: https://www.govinfo.gov/app/details/USCODE-2021-title28/USCODE-2021-title28-partII-chap33-sec534](https://www.govinfo.gov/app/details/USCODE-2021-title28/USCODE-2021-title28-partII-chap33-sec534)

[OAR 257-010-0035:](https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280197)

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280197>

[FBI Identity History Summary Checks website: https://www.edo.cjis.gov/#/](https://www.edo.cjis.gov/#/)

[Title 28 CFR 16.34: https://www.ecfr.gov/current/title-28/chapter-I/part-16/subpart-C](https://www.ecfr.gov/current/title-28/chapter-I/part-16/subpart-C)

[ORS 181A.190\(4\)\(b\): https://www.oregonlegislature.gov/bills\\_laws/ors/ors181A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181A.html)

[BCU Clearinghouse website: https://www.oregon.gov/odhs/background-checks/Pages/clearinghouse.aspx](https://www.oregon.gov/odhs/background-checks/Pages/clearinghouse.aspx)

[Part 2540 Subpart B: https://www.ecfr.gov/current/title-45/subtitle-B/chapter-XXV/part-2540/subpart-B](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-XXV/part-2540/subpart-B)

[Section 2540.202: https://www.ecfr.gov/current/title-45/subtitle-B/chapter-XXV/part-2540/subpart-B/section-2540.202](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-XXV/part-2540/subpart-B/section-2540.202)



**Oregon Department of Justice**  
Crime Victim and Survivor Services Division

**DETERMINATION OF SUITABILITY TO INTERACT WITH PARTICIPATING MINORS IN FEDERALLY FUNDED PROJECTS**

Subgrant Number: \_\_\_\_\_

Subgrantee Name: \_\_\_\_\_

Pursuant to 2019 VOCA, VAWA, and SASP Special Award Conditions, effective September 16, 2019, covered individuals (any individual who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children) including employees of a subrecipient, as well as consultants, contractors, employees of a contractor, trainees, volunteers, etc.) must have a criminal background check **every five years**. All of the requirements for this Certified Assurance can be found at <https://www.ojp.gov/funding/explore/interact-minors>.

Please read the entirety of this Certified Assurance before completing this form and the criminal background checks.

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<b><u>Individual(s) Names</u></b> <b><u>Suitable to Interact With Minors</u></b>	<b><u>Identify Relationship to Grant Project</u></b> <b><u>Employee/Match/Volunteer/Consultant/Contractor</u></b>	<b><u>Date of Criminal</u></b> <b><u>Background Check</u></b>	<b><u>Date Next Background</u></b> <b><u>Check Will Be Due</u></b>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I, \_\_\_\_\_, (Executive Director or Authorized Official), certify that criminal background checks have been performed on the above named individual(s) and the above named individual(s) associated with the grant-funded project are designated as suitable to interact with participating minors within the grant-funded project pursuant to the condition found at: <https://www.ojp.gov/funding/explore/interact-minors>.

Note: Criminal background checks should be checked for all aliases provided by the individual. In addition, criminal background checks should be done for all states in which the individual lived, worked or went to school the 5 years prior to the background check.

Those receiving background checks should receive written notification in order to give the individual the opportunity to provide the required information for the criminal background check, pursuant to the subrecipient's written policies and procedures.

I understand that criminal background checks are required every five years and individuals will not be found suitable to interact with minors in the course of activities under the federal award if an individual:

- a) Withholds consent to a criminal history search required by this grant 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 National Sex Offender Public Website;
- d) To my knowledge, has been convicted whether as a felony or misdemeanor under federal, state, tribal or local law for any of the following crimes:
  - 1) Sexual or physical abuse, neglect, or endangerment of an individual under 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
  - 6) Is determined by a federal, state, tribal, or local government agency not to be suitable

Note: CVSSD is required to monitor compliance with this federal grant condition.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Signature of Executive Director or Authorized Official