
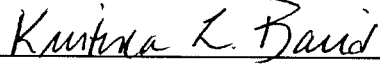


**JUDICIARY OF GUAM  
POLICY AND PROCEDURES  
ADMINISTRATIVE POLICY NO. UJ 22-01**

  <b>Judiciary of Guam</b>	Responsible Division:  <b>ADMINISTRATIVE OFFICE OF THE COURTS/ COURT PROGRAMS</b>
<b>TITLE:</b>  <b>Policy and Procedures for Determination of Suitability to Interact with Participating Minors</b>	<b>EFFECTIVE DATE:</b>  January 1, 2022
<b>REVISION DATES:</b>	<b>APPROVED BY:</b>   <hr/> Kristina L. Baird, Administrator of the Courts

**I. PURPOSE**

This Policy is intended to comply with the Department of Justice grant requirements and obligations of the Judiciary of Guam (“Judiciary”). As a direct recipient and subgrantee of federal grant funds, the Judiciary must make determinations of suitability before covered individuals may interact with participating minors in programs funded by the Office on Violence Against Women (“OVW”) and the Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) grant funds. This requirement applies regardless of an individual’s employment status.

**II. DEFINITIONS**

- A. “Covered individual” - any individual (other than a participating minor, as defined below), or a client of the Judiciary 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 Judiciary. Such an individual might be an employee of the Judiciary, 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 and as it appears on an award document, are participating minors.

C. “Interaction” - 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 Judiciary and unintentional on the part of the covered individual, such as might occur when a postal carrier delivers mail to an administrative office, or
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 Judiciary 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.

### **III. COMPLIANCE REQUIREMENTS:**

- A. The Judiciary will not permit any covered individual to interact with any participating minor in the course of activities under an award, unless the Judiciary first has made a written determination of the suitability of that individual to interact with a participating minor(s).
- B. In addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by Judiciary 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.

Public sex offender and child abuse websites/registries including:

- The Dru Sjodin National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov));
- 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
- 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.

Criminal history registries and similar repositories of criminal history records

- For each covered individual at least 18 years of age, a fingerprint search (or, if the subgrantee 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 (and if applicable, local and tribal) criminal history registries or similar repositories, including:

- 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
- 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.

The Judiciary, at least every five years, will make every effort to update the searches described above, reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination. The Judiciary will also reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the Judiciary 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:

- Withholds consent to a criminal history search required by this condition;
- Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
- To the knowledge of the Judiciary, 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):
  - sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
  - rape/sexual assault, including conspiracy to commit rape/sexual assault;
  - sexual exploitation, such as through child pornography or sex trafficking;
  - kidnapping;
  - voyeurism; or
- Is determined by a federal, state, tribal, or local government agency not to be suitable.

Nothing in this Policy shall be understood to authorize or require the Judiciary, or any person or other entity, to violate any federal, state, tribal, or local law, including any applicable civil rights or nondiscrimination law.

#### **IV. ENFORCEMENT AND REVIEW**

The Judiciary's Court Programs Office, as the Responsible Division for this Policy, is responsible for enforcement of this Policy. Court Programs is also responsible for the periodic review (at least annually) and revision of this Policy as necessary for compliance with any changes in applicable law or regulation.