SECRETARY OF THE ARMY
WASHINGTON

10 SEP 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2014-23 (Conduct of Screening and Background Checks For Individuals Who Have Regular Contact With Children in Army Programs)

1. References. A complete list of references is at enclosure 1.

2. Purpose. This directive issues policy for screening and background check requirements for individuals who have regular contact with children in the execution and support of Army programs and activities. Everyone who regularly interacts with children must be of good character, law abiding and fit to have responsibility for children. The Army must ensure the health, safety and well-being of children and reduce the risk for child abuse and neglect in all Army programs and activities. Roles and responsibilities for conducting screening and background checks are at enclosure 2.

3. Policy

a. All individuals who regularly interact with children under 18 years of age in Army-sponsored and sanctioned programs are required to undergo specific initial background checks and periodic reverification. These individuals include Army employees (appropriated fund, nonappropriated fund and overseas foreign nationals); contractors (regular and recurring); military members of the active and reserve components; personnel who provide care in their homes (on or off a military installation) as part of an Army-sponsored or sanctioned program (family child care, foster care and respite care providers, as well as youth and adults living in these households); specified volunteers; and any other persons reasonably expected to have regular contact with children in the performance of their duties or services in an Army-sponsored or sanctioned program or activity, including a medical treatment facility.

b. Commands that provide child care services, as defined in Department of Defense (DoD) Instruction 1402.5 (Criminal History Background Checks on Individuals in Child Care Services), will designate a single entity (Commander Designated Entity) within their organization to be responsible for the initiation, coordination and tracking of background checks and for reviewing the results to identify whether they contain derogatory information. Commanders will not designate security specialists for this function. The command may use contractors to perform this function, however contractors are not authorized to perform inherently Governmental functions, such as rendering a determination on an individual's fitness for Army programs that have regular contact with children. The Commander Designated Entity will be supported by agencies that provide required background check data, as well as civilian and military personnel

offices; Family and morale, welfare and recreation personnel; medical personnel; and chaplains.

c. Individuals whose background checks reveal derogatory information will be vetted through a multi-tier, multidisciplinary review process in accordance with the guidance in this directive.

4. Process. Commanders are ultimately responsible for minimizing risk to children in the Army's care. This directive delineates roles and responsibilities for ensuring that initial screening and assessment and required background checks are conducted and properly adjudicated through a three-part process for all personnel identified in paragraph 3a.

a. Screening and Assessment. U.S. Army Civilian Human Resources Agency and/or the hiring/responsible organization (for example, Child, Youth and School Services; chaplains; or medical facility) are responsible for ensuring that an individual has the necessary skill sets for the position. Through a review of the application and related forms, personal interview and reference checks, they will assess the individual's eligibility, qualifications, temperament and suitability for working with children.

b. Background Checks

(1) The Commander Designated Entity is the office of primary responsibility for ensuring that background checks are conducted on the covered population. At the request of the hiring/responsible organization, the Commander Designated Entity will initiate required background checks. The Commander Designated Entity will track requests and, when completed, compile and review the results of the background checks to determine whether they contain derogatory information to be passed on to the commander. All organizations whose personnel have regular contact with children in Army Programs—including, but not limited to, the Provost Marshal/Director of Emergency Services; medical treatment facilities; Child, Youth and School Services; Army Substance Abuse Program; Chaplains; and Morale, Welfare and Recreation personnel, as well as civilian and military personnel offices—will work in close coordination with the Commander Designated Entity to accomplish this work. Specific requirements for background checks for covered individuals, including both initial checks and reverification requirements, are delineated at enclosures 3 through 5.

(2) The DoD Central Adjudication Facility (CAF) is responsible for making favorable suitability determinations in accordance with guidance from the Deputy Assistant Secretary of Defense (Civilian Personnel and Policy) (reference m). The DoD CAF will receive and review results from the Child Care National Agency Check and Inquiries (CNACI) to determine favorable suitability. In the event the CNACI results contain derogatory information, the DoD CAF will not make a suitability determination.

The CNACI results for these individuals will be transmitted to the requesting Commander Designated Entity, which is responsible for forwarding the CNACI results to the Command/Installation Program Review Board (PRB).

c. Adjudication of Derogatory Information. When derogatory information is identified during screening or background checks, in every case the results must first be adjudicated at the command level. Before an individual may be employed even provisionally in a position requiring regular contact with children, the individual's screening and preliminary background checks must be clear of derogatory information, or the garrison commander's written approval is required. If an individual is provisionally employed, such employment is subject to favorable adjudication of the remainder of the required background check and will be subject to line-of-sight supervision as delineated in enclosures 3 through 5. If the background check identifies derogatory information, adjudication will include the conduct of a PRB for a detailed review of the case file followed by a recommendation to the commander. If the commander recommends an individual as suitable despite the presence of derogatory information, the case file must be forwarded to Headquarters, Department of the Army for the suitability determination in accordance with DoD Instruction 1402.5. Guidance on suitability adjudication and the PRB process is at enclosure 6. This PRB process also applies to reverifications, the requirements for which are delineated in enclosures 3 through 5. Acronyms and terms used in this directive are defined at enclosure 7.

5. Effective immediately, all Army organizations will begin implementation of this directive with the responsibilities and guidance defined in the enclosures. Within 30 days of the date of this directive, all Army organizations will provide their Commander Designated Entity information, including organization name, point of contact and phone number, to the Assistant Chief of Staff for Installation Management (ACSIM). Army organizations will update this information annually by the end of the fiscal year, or when the commander changes the designated entity from one organization to another. The directive will be fully implemented within 6 months of issuance. The Assistant Secretary of the Army (Manpower and Reserve Affairs), in coordination with the ACSIM, will conduct necessary reviews of command programs to validate compliance. Commands must complete background checks not previously required on all current employees and others within 6 months. If it is discovered that a CNACI or other required background check was not completed for an individual, or that a PRB was never conducted although required, commands must immediately initiate completion of the background check or PRB process. Commands will act judiciously and apply the criteria and processes in this directive to ensure the well-being of children.

6. Within 1 year of the date of this directive, the ACSIM will develop a single overarching Army regulation and pamphlet(s), as necessary, that address all aspects of the screening, background check and adjudication processes for personnel covered by

this directive. The ACSIM will develop this documentation in concert with, but not limited to, the Deputy Chief of Staff, G-1; Deputy Chief of Staff, G-2; The Surgeon General; Director, Army National Guard; Commander, U.S. Army Reserve Command; the Chief of Chaplains; and the Provost Marshal General. The regulation and pamphlet(s) will contain standardized forms and detailed procedures for screenings, background checks and suitability adjudication under DoD Instruction 1402.5. Concurrently, all Army Secretariat and Staff proponents will update pertinent regulations to refer to the new Army regulation governing the processes for screenings and background checks.

7. All affected commands will update standing operating procedures and provide mandatory training to ensure implementation of the guidance in this directive. Where responsibilities overlap between organizations, commanders will develop memorandums of agreement to ensure compliance with this guidance.

8. To guarantee the appropriate vetting of foreign national employees at overseas installations, U.S. Army Installation Management Command will review all host nation agreements to determine if additional guidance is required to support the guidance in this directive. Any resulting additional guidance will be incorporated into the new Army regulation and/or pamphlet(s).

9. The Assistant Secretary of the Army (Manpower and Reserve Affairs) is the proponent for this policy and retains oversight for this guidance. I hereby delegate to the Assistant Secretary the authority to grant waivers to this policy when circumstances warrant and risk to the well-being, safety and health of children is mitigated. This waiver authority may be redelegated only to a Deputy Assistant Secretary of the Army. All waivers will be coordinated with the Office of the Army General Counsel.

10. This directive is effective immediately and supersedes all existing policy, including the guidance on background checks in Army Regulation 608-10 (Child Development Services) that conflicts with this directive. The requirements in this directive are subject to the satisfaction of applicable labor relations obligations.

11. This directive is rescinded upon publication of the new Army regulation referenced in paragraph 6.

John M. McHugh

Encls

DISTRIBUTION
(see next page)

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REFERENCES

a. The Crime Control Act of 1990, Pub. L. No. 101-647, 104 Stat. 4789 (1990).

b. U.S. Office of Personnel Management (OPM) Federal Investigative Services INV 15 (Requesting OPM Personnel Investigations), April 2012.

c. Department of Defense (DoD) 5400.11-R (Department of Defense Privacy Program), May 14, 2007.

d. DoD Directive 5015.2 (DoD Records Management Program), March 6, 2000.

e. DoD Directive 6400.1 (Family Advocacy Program (FAP)), August 23, 2004.

f. DoD Instruction 1100.21 (Voluntary Services in the Department of Defense), March 11, 2002, Incorporating Change 1, December 26, 2002.

g. DoD Instruction 1400.25, Subchapter 1403 (DoD Civilian Personnel Manual: Employment), December 1 1996, Incorporating Change 5, March 25, 2000.

h. DoD Instruction 1400.25, Volume 731 (DoD Civilian Personnel Management System: Suitability and Fitness Adjudication for Civilian Employees), August 24, 2012.

i. DoD Instruction 1400.25, Volume 1231 (DoD Civilian Personnel Management System: Employment of Foreign Nationals), July 5, 2011.

j. DoD Instruction 1402.5 (Criminal History Background Checks on Individuals in Child Care Services), January 19, 1993.

k. DoD Manual 6025.13 (Medical Quality Assurance (MQA) and Clinical Quality Management in the Military Health System (MHS)), October 29, 2013.

l. Memorandum, Assistant Secretary of Defense (Readiness and Force Management), Dec 4, 2013, subject: Waiver for Family Housing and Mental Health Records Checks for Individuals in Child Care Services.

m. Memorandum, Deputy Assistant Secretary of Defense (Civilian Personnel and Policy), Aug 26, 2013, subject: Responsibilities under the Department of Defense Suitability and Fitness Adjudications for Civilian Employees Programs.

n. Army Regulation (AR) 25-400-2 (The Army Records Information Management System (ARIMS)), 2 October 2007.

o. AR 40-68 (Clinical Quality Management), 26 February 2004, Incorporating Rapid Action Revision issued 22 May 2009.

p. AR 165-1 (Army Chaplain Corps Activities), 3 December 2009.

q. AR 190-45 (Law Enforcement Reporting), 30 March 2007.

r. AR 215-1 (Military Morale, Welfare and Recreation Programs and Nonappropriated Fund Instrumentalities), 24 September 2010.

s. AR 215-3 (Nonappropriated Funds Personnel Policy), 29 August 2003.

t. AR 340-21 (The Army Privacy Program), 5 July 1985.

u. AR 380-67 (Personnel Security Program), 24 January 2014.

v. AR 420-1 (Army Facilities Management), 12 February 2008, Incorporating Rapid Action Revision No. 2 issued 24 August 2012.

w. AR 608-1 (Army Community Service), 13 March 2013.

x. AR 608-10 (Child Development Services), 15 July 1997.

y. AR 608-18 (The Army Family Advocacy Program), 30 October 2007, Incorporating Rapid Action Revision issued 13 September 2011.

z. Department of the Army Personnel Security Investigation Portal (PSIP) Requestor Guide, November 2012.

aa. Department of the Army Personnel Security Investigation Portal Childcare Requestor Guide, November 2012.

ROLES AND RESPONSIBILITIES

1. The Assistant Secretary of the Army (ASA) (Manpower and Reserve Affairs) (M&RA) is the Army proponent for overall strategy, policy and supervision of the conduct of screenings and background checks for individuals who have regular contact with children. The ASA (M&RA) will delegate a Deputy Assistant Secretary of the Army to serve as the chair of the Headquarters, Department of the Army (HQDA) Program Review Board (PRB) Review Panel. The ASA (M&RA) will also designate two individuals to serve as voting members on the panel.

2. The ASA (Acquisition, Logistics and Technology) (ALT) is designated the Army Acquisition Executive, Senior Procurement Executive and Senior Official responsible for managing the acquisition of contract services.

3. The ASA (Financial Management and Comptroller) (FM&C) and DCS, G-8 will ensure the appropriate prioritization and resource guidance to support background checks of individuals providing Child and Youth Services.

4. The ASA (Installations, Energy and Environment) (IE&E) is the Army proponent for ensuring the integration of this policy into the Army's installation regulations, policies and operations. The ASA (IE&E) will designate two individuals to serve as voting members on the HQDA PRB Review Panel.

5. The Assistant Chief of Staff for Installation Management (ACSIM) is the Army proponent for developing specific policies for installation management and overseeing their execution.

a. The ACSIM will develop a single overarching Army regulation and pamphlet(s) as necessary that address all aspects of the screening, background check and adjudication processes for personnel covered by this directive. The ACSIM will develop this documentation in concert with, but not limited to, the DCS, G-1; DCS, G-2; The Surgeon General; Director, Army National Guard; Commander, U.S. Army Medical Command; Commander, U.S. Army Reserve Command; Chief of Chaplains; and Provost Marshal General. The DCS, G-2 will provide subject matter expertise in personnel security to support the ACSIM's development of the specific policy. The ACSIM will revise existing regulations, policies and quality assurance inspection documents as appropriate to ensure the health, safety and well-being of children. All revised policy will be coordinated with external accrediting bodies and synchronized with Army civilian and military personnel proponents.

b. The ACSIM will develop and maintain a list of Commander Designated Entities serving as central points of contact for Army commands and organizations to initiate, coordinate and track background checks and review results for derogatory information. The Commander Designated Entity will be supported by agencies that provide required background check data, as well as civilian and military personnel offices; Family and MWR personnel; medical personnel; and chaplains. Guidance will identify each office

responsible for providing information to the Commander Designated Entity and will specify the format and time restrictions for each check to ensure the timely receipt of information and completion of the check.

c. In addition, the ACSIM will designate two individuals to serve as voting members on the HQDA PRB Review Panel and provide the administrative coordinator for the panel.

6. The DCS, G-1 is responsible for policy development and approval in support of the appropriated fund (APF) and nonappropriated fund (NAF) application, hiring, suitability and employment processes for civilian personnel who have regular contact with children. The Assistant G-1 for Civilian Personnel Policy is the approval authority for any exceptions to currently published civilian personnel policy or personnel guidelines in this directive and its supporting enclosures. The DCS, G-1 will assist the ACSIM in developing policy and procedures to support implementation of this directive. The DCS, G-1 will also designate two individuals to serve as voting members on the HQDA PRB Review Panel.

7. The DCS, G-2 is responsible for personnel security policy and operational oversight of the Personnel Security Investigation Center of Excellence. The DCS, G-2 will ensure that organizations within a command that are responsible for the initiation, coordination and tracking of background checks (Commander Designated Entity) have the necessary guidance to initiate required background investigations with the Center of Excellence. The DCS, G-2 will program the necessary resources for required background investigations performed by authorized investigative service providers on all individuals covered by this directive. The DCS, G-2 is responsible for receiving, programming and reporting the projections for all the additional background investigations required under this directive. The DCS, G-2 will assist the ACSIM in the development of policy and procedures to support implementation of this directive. The DCS, G-2 will designate two individuals to serve as voting members on the HQDA PRB Review Panel.

8. The Chief, National Guard Bureau is responsible for implementing policies and programs within the Army National Guard (ARNG), including facilitating and coordinating processes and procedures with subordinate commands and organizations that are involved in the screening and background check process for all individuals covered by this directive. The Chief will ensure that subordinate commands and organizations designate a single entity (Commander Designated Entity) within their organization to be responsible for the initiation, coordination and tracking of background checks and for reviewing the results to determine whether they contain derogatory information. The Chief is also responsible for the policy and procedures governing required PRBs for the ARNG. The Chief will designate an appropriate review chain for PRB cases to ensure that applicable PRB case files are administratively complete before submission to the HQDA PRB Review Panel. The Director, ARNG will designate two individuals to serve as voting members on the panel.

9. The Chief, Army Reserve is responsible for strategy, policy and program implementation within the U.S. Army Reserve (USAR), including facilitating and

coordinating processes and procedures with subordinate commands and organizations that are involved in the screening and background check process for individuals who have regular contact with children. The Chief will ensure that subordinate commands and organizations designate a single entity (Commander Designated Entity) within their organization to be responsible for the initiation, coordination and tracking of background checks and for reviewing the results to determine whether they contain derogatory information. The Chief is also responsible for the policy and procedures governing required PRBs for the USAR. The Chief will designate an appropriate review chain for PRB cases to ensure that applicable PRB case files are administratively complete before submission to the HQDA PRB Review Panel. The Chief will designate two individuals to serve as voting members on the HQDA PRB Review Panel.

10. The Surgeon General oversees all medical programs and operations in support of background checks for individuals covered by this directive. The Surgeon General will ensure that subordinate commands and organizations designate a single entity (Commander Designated Entity) within their organization to be responsible for the initiation, coordination and tracking of background checks and for reviewing the results to determine whether they contain derogatory information. Commanders will not designate security specialists for this role. U.S. Army Medical Command (MEDCOM) will ensure that medical treatment facilities (MTFs) conduct the Army Central Registry check. The Surgeon General will designate two individuals to serve as voting members on the HQDA PRB Review Panel. In addition, the Office of the Surgeon General will work with U.S. Army Installation Management Command to ensure that the garrison PRB process is applied to MEDCOM suitability cases under DoD Instruction 1402.5 (Criminal History Background Checks on Individuals in Child Care Services). MEDCOM will ensure that applicable PRB case files are administratively complete before submission to the HQDA PRB Review Panel.

11. The Judge Advocate General, in conjunction with the Army General Counsel, is responsible for providing a legal sufficiency review for every case submitted to the HQDA PRB Review Panel.

12. The Chief of Chaplains is responsible for overseeing all religious support programs and operations in support of background checks for individuals covered by this directive. The Chief of Chaplains will issue annual guidance on the use of the Chapel Volunteer Management System and implementation of this child protection policy among all garrison and unit chaplain-sponsored events and programs. The Chief of Chaplains will designate an appropriate review chain for its PRB cases to ensure that applicable case files are administratively complete before submission to the HQDA PRB Review Panel. The Chief of Chaplains will designate two individuals to serve as voting members on the HQDA PRB Review Panel.

13. The Provost Marshal General oversees policy for all law enforcement programs and operations in support of background checks for individuals covered by this directive. The Provost Marshal General will designate two individuals to serve as voting members on the HQDA PRB Review Panel.

14. The Director, U.S. Army Civilian Human Resources Agency is responsible for issuing operational guidance on recruiting for child care services positions and on in-processing selectees for both APF and NAF positions.

15. The Commander, U.S. Army Criminal Investigation Command (CID) provides operational guidance on the conduct of noncriminal justice background name checks for all individuals covered by this directive. CID offices will submit requests to the U.S. Army Crime Records Center through the Army Criminal Investigation and Criminal Intelligence System. The Crime Records Center check will consist of queries of the Automated System Crime Records Center and the Defense Central Index of Investigations (DCII). CID will return name check results to the Commander Designated Entity within 15 calendar days.

16. The Commander, Installation Management Command (IMCOM) is responsible for developing implementing instructions to support the policies and procedures developed by ACSIM, providing overarching guidance, and developing standing operating procedures for conducting required background checks and suitability adjudications for individuals covered by this directive to ensure that processes and procedures are in place to correctly complete background checks and suitability assessments. IMCOM will coordinate the guidance and procedures with MEDCOM, the Civilian Human Resources Agency, U.S. Army Contracting Command, CID and all other affected commands and organizations. IMCOM will also establish procedures governing required PRBs at garrisons and will designate an appropriate review chain for PRB cases to ensure that applicable PRB case files are administratively complete before submission to the HQDA PRB Review Panel. Geographically dispersed organizations, garrisons and installations that IMCOM does not manage will adapt the IMCOM standing operating procedures to their unique circumstances. Generally, the following responsibilities apply, subject to command-unique modifications to accommodate specific needs:

a. Garrison Commander/Garrison Manager. The garrison commander or manager is responsible for overseeing the Director, Family and MWR programs (DFMWR) and operational control of the Provost Marshal Office (PMO)/Directorate of Emergency Services (DES) at IMCOM-managed garrisons. The garrison commander/manager is responsible for designating a single entity (Commander Designated Entity) within his/her organization to be responsible for the initiation, coordination and tracking of background checks and for reviewing the results to determine whether they contain derogatory information. Commanders/managers will not designate security specialists for this role. The commander/manager may use contractors to perform this function, but contractors are not authorized to perform inherently Governmental functions, such as rendering a determination on an individual's fitness for CYSS programs. The garrison commander or manager is responsible for conducting PRBs at the garrison level as needed.

b. Chaplain. The chaplain is responsible for overseeing religious support and religious education operations, the Chapel Volunteer Management System program, Watch Care and other chapel contractors at Army-managed garrisons. The chaplain is

responsible for ensuring that required screening and background checks have been completed for individuals under the chaplain's proponency who are covered by this directive.

c. Army Substance Abuse Program (ASAP). ASAP personnel are responsible for checking the name of individuals requiring an installation records check (IRC) against the Drug and Alcohol Management Information System records to identify individuals who may have substance abuse issues. This check requires the individual's consent. ASAP will provide the following information to the Commander Designated Entity within 5 business days:

- all illicit positive urinalysis tests and any positive test that has not been adjudicated by a medical review officer as authorized use,
- dates of screening when not enrolled with the primary basis and diagnosis if one is available, and
- enrollment period if enrolled, with primary basis and diagnosis and success or failure of rehabilitation.

d. Commander Designated Entity. The Commander Designated Entity is responsible for initiating required background checks with the appropriate offices, tracking and compiling results, reviewing the results to determine whether they contain derogatory information that must be referred to the garrison command, and forwarding case files as necessary for command adjudication. Although commanders may not designate security specialists for this purpose, they may use contractors or other appropriate sources of labor to perform this function. However, contractors are not authorized to perform inherently Governmental functions, such as rendering a determination on an individual's fitness for CYSS programs. The Commander Designated Entity will be supported by agencies that provide required background check data, as well as civilian and military personnel offices; Family and MWR personnel; medical personnel; and chaplains to complete background checks in a timely manner.

e. MTF. The MTF is responsible for checking the names of individuals requiring an IRC against the Army Central Registry. The MTF will return the results of the registry checks to the Commander Designated Entity within 5 business days.

f. DFMWR. The Director is responsible for overseeing all Child, Youth and School Services (CYSS); Army Community Service; and MWR programs and activities. The DFMWR is responsible for ensuring that required screening and background checks have been completed for all individuals covered by this directive.

g. PMO/DES. The organizations are responsible for conducting military police record checks. Where State laws allow, they will also conduct State law enforcement checks.

SCREENING AND BACKGROUND CHECKS FOR APPROPRIATED AND NONAPPROPRIATED FUND PERSONNEL, MILITARY PERSONNEL, FOREIGN NATIONAL EMPLOYEES OVERSEAS AND CONTRACTORS

1. **Purpose.** To establish screening and background check requirements and supporting guidelines for personnel considered for or in positions that have regular contact with children. Strict compliance with these requirements will help ensure the safety and welfare of children and reduce the risk of child abuse and neglect in Army programs and activities.

2. **Applicability.** The guidance in this enclosure applies to all APF and NAF employees; members of the military (active and reserve); foreign national employees overseas; and APF and NAF contractors, including subcontractors, who have regular contact with children under age 18, as well as applicants for those positions. All offices responsible for on-boarding and providing support for screening and background checks—including civilian and military personnel offices; chaplains, MTFs, PMO/DES, DFMWR, ASAP and contracting offices—will follow this guidance.

3. **Responsibilities.** The following organizations will establish guidance and standing operating procedures for their assigned responsibilities to ensure that the applicable personnel who have regular contact with children during the performance of their duties are fit to be responsible for children's safety and well-being. Federal Government activities are the only authorized offices to obtain and process fingerprints. Contractors may obtain an individual's fingerprints, process fingerprint checks and/or request Child Care National Agency Check and Inquiries (CNACI) background investigations from the Army's Personnel Security Investigation Center of Excellence. However, they must return the results of fingerprint checks and CNACI background investigations to the sponsoring Government activity for review and adjudicative processing.

a. IMCOM

(1) With input from the DCS, G-2, develop and issue operational guidance on initiating, screening and adjudicating background checks, in coordination with all commands and proponents that have a role in conducting background checks for individuals who have contact with children through Army programs and services. This includes all organizations that hire, contract for and bring on board individuals to work in such positions and who are involved in the management and oversight of such programs. The guidance will include step-by-step instructions for the preemployment screening process; the IRC and Federal Bureau of Investigation (FBI) fingerprint check; the CNACI; the PRB process; and the reverification of personnel, including the maintenance, storage, protection and disposal of personally identifiable information (PII).

(2) Address the process for handling cases where derogatory information is found during reverification or through some other means.

(3) Include specific language in the statement of work for all contracts that is consistent with the requirements in DoD Instruction 1402.5, enclosure 6, paragraph E6.4.

(4) Establish internal quality control checks, verifications and periodic reviews as part of program assurance regarding required background checks for all individuals. Incorporate this process into the Garrison Organizational Inspection Program.

b. MEDCOM

(1) Develop and publish standing operating procedures and specific guidance for medical personnel and supporting organizations that includes Commander Designated Entities; step-by-step instructions for the prescreening process; the IRC and advance FBI fingerprint check; the CNACI; the PRB process; and the reverification of personnel, including the maintenance, storage, protection and disposal of PII.

(2) Include specific language in the statement of work for all contracts that is consistent with the requirements in DoD Instruction 1402.5, enclosure 6, paragraph E6.4.

(3) Address how derogatory information will be handled and coordinated with the garrison as part of the installation PRBs on applicant and employee suitability. The results of background checks for MEDCOM personnel will be processed in consultation with IMCOM.

(4) Address required coordination with the garrison in reviewing and packaging a suitability case file for submission to the HQDA PRB Review Panel for adjudication (if required). The guidance must also address the process for handling cases when derogatory information is found during reverification or through some other means.

(5) Establish internal quality control checks, verifications and periodic reviews as part of program assurance related to background checks.

c. ARNG and USAR

(1) Develop supporting internal standing operating procedures as needed to ensure the completion of all screening and background check requirements for personnel, including contractors, based on unique circumstances and timelines for required support.

(2) Provide step-by-step instructions that address the screening process; the IRC and FBI fingerprint check; the CNACI; the PRB process; and the reverification of personnel, including the maintenance, storage, disposal and protection of PII.

(3) Address the process for handling cases when derogatory information is found during reverification or through some other means.

(4) Designate responsible agents at the unit, regional support command, State, headquarters or other levels (Commander Designated Entities), as appropriate, to initiate requests and track, compile and review the results of all required background checks.

(5) Include specific language in the statement of work for all contracts that is consistent with the requirements in DoD Instruction 1402.5, enclosure 6, paragraph E6.4.

(6) Establish internal quality control checks, verifications and periodic reviews as part of program assurance related to required background checks.

(7) Convene a PRB, as necessary, to review and adjudicate derogatory information and make suitability recommendations to the appropriate commander as designated by the Chief, National Guard Bureau or the Chief, Army Reserve. When the commander recommends suitability despite derogatory information, the commander will package the information properly and forward the PRB case file to the HQDA PRB Review Panel for consideration.

d. Headquarters, Civilian Human Resources Agency

(1) Develop and publish supporting standing operating procedures and internal controls for this directive and ensure appropriate coordination and synchronization with the IMCOM standing operating procedures.

(2) Issue guidance that designates Civilian Personnel Advisory Centers as a liaison between the program or functional manager and the Commander Designated Entity to ensure the submission of all forms and paperwork needed to complete screening and background checks for on-boarding prospective employees and completing reverification, as DoD Instruction 1402.5 requires, for employees. The guidance must address application requirements, the notification to individuals required by statute, unfavorable suitability assessments, and any procedures required for the on-boarding or reverification of APF and NAF employees and foreign national employees overseas, including the Civilian Personnel Advisory Center's involvement and interface with the applicant or employee and the functional proponent or program manager.

(3) Coordinate with IMCOM, other affected commands and the specific program managers to incorporate background check requirements into standardized position descriptions for all applicable APF and NAF positions.

(4) Standardize all job opportunity announcements and occupational assessment questionnaires for these positions across subordinate Civilian Personnel Advisory Centers, including conditions of employment related to background checks.

(5) Obtain the signature of the employee or prospective employee before seeking a background check, thus documenting that he or she has been notified of the

employer's obligation to require a records check as a condition of employment, the individual's right to obtain a copy of the criminal history report made available to the agency, and the right to challenge the accuracy and completeness of any information in the report.

e. ASA (ALT)

(1) Provide procurement guidance to support APF contracts for all requirements for contractors based on responsibilities and procedures as outlined and in accordance with applicable regulations, policies and this directive.

(2) Develop and publish standardized language related to requirements for background checks to be used in the statement of work for all applicable contracts that is consistent with the requirements in DoD Instruction 1402.5, enclosure 6, paragraph E6.4.

f. Chaplains

(1) Develop and publish standing operating procedures and specific guidance for medical personnel and supporting organizations that includes step-by-step instructions for the prescreening process; the IRC and advance FBI fingerprint check; the CNACI; the PRB process; and the reverification of personnel, including the maintenance, storage, protection and disposal of PII.

(2) Include specific language in the statement of work for all contracts that is consistent with the requirements in DoD Instruction 1402.5, enclosure 6, paragraph E6.4.

(3) Address how derogatory information will be handled and coordinated with the garrison as part of the installation PRBs on applicant and employee suitability. The results of background checks for chaplain personnel will be processed in consultation with IMCOM.

(4) Address required coordination with the garrison in reviewing and packaging a suitability case file for submission to the HQDA PRB Review Panel for adjudication (if required). The guidance must also address the process for handling cases when derogatory information is found during reverification or through some other means.

(5) Establish internal quality control checks, verifications and periodic reviews as part of program assurance related to background checks.

4. **Requirements**

a. Preemployment Screening and Assessment. In coordination with the appropriate human resource office, the hiring/responsible organization (for example, CYSS, chaplains, MTF) is responsible for ensuring that an individual has the necessary skill sets for the position. Through review of the application and related forms, personal

interview and reference checks, the hiring/responsible organization will assess the individual's eligibility, qualifications, temperament and suitability for work with children. The Commander Designated Entity will initiate the background check only after a tentative offer of employment is made.

b. Background Check. The background checks required for those individuals covered by this enclosure are IRC, local law enforcement check (where available), FBI fingerprint check and CNACI (or host nation checks). The IRC is required only for individuals with a prior or current DoD affiliation. Individuals with an unexpired National Agency Check and Inquiries (NACI) require only a State Criminal History Repository check and an IRC. This chart identifies the requirements for screenings and background checks and the responsible office by category of personnel:

Category (Proponent)	Requirement (Proponent if Different)	APF/ NAF or Military	Contractor	Foreign National Employees Overseas
Preemployment screening (hiring/responsible organization)	1) Application / solicitation 2) Interview / contract review 3) Reference check	X X X	X X X	X X X
Hiring/responsible organization makes a tentative offer of employment. Statement of Previous Arrest or Charge is required for all applicants and must be updated annually (see enclosure 4, paragraph 4f).				
Preliminary investigation (Commander Designated Entity)	1) IRC* a. Local Military Records (PMO) b. Local Law Enforcement (PMO/CPAC) c. Drug and Alcohol (ASAP) d. Army Central Registry (MTF) e. DCII/CID Records (CID) 2) FBI fingerprint check (Commander Designated Entity) 3) Local Law Enforcement** (PMO/CPAC)	X X X 	X X X 	X X X
* IRC only applies to individuals with prior or current DoD affiliation. The IRC check will be for the 5-year period preceding the date of application. • Checks of mental health records and family housing will be done only to the extent required by references j and l. • Individual can begin work under line-of-sight supervision (LOSS) with favorable results from the preliminary investigation or if the preliminary investigation reveals any derogatory information forwarded by the Commander Designated Entity, with the written approval of the garrison commander (or equivalent) • Appointments must be made subject to favorable adjudication of the remaining background checks. ** The local law enforcement check will be for the 5-year period preceding the date of application.				
Completed background check (Commander Designated Entity)	CNACI (includes the State Criminal History Repository Check)	X	X	X**

Category (Proponent)	Requirement (Proponent if Different)	APF/ NAF or Military	Contractor	Foreign National Employees Overseas
	Host nation background check / CNACI equivalent			X**
Individual is considered cleared and can work outside of LOSS if the results of the completed background check are favorable. If derogatory information is uncovered by the CNACI (or CNACI equivalent) and forwarded by the Commander Designated Entity, the case must be adjudicated through the PRB process.				
Reverification (IRC and FBI fingerprint check) is required every 5 years.				
Other relevant record checks may be initiated if deemed necessary to determine an individual's suitability under DoD Instruction 1402.5 **to the extent the law permits**. Any other checks must be approved by a general officer/member of the Senior Executive Service and found legally sufficient by the servicing legal office.				

** See the paragraph on Foreign National Employees Overseas on page 7.

(1) Once the hiring/responsible organization completes the preemployment screening and assessment process and makes a tentative offer of employment, the Commander Designated Entity will initiate the preliminary investigation. If the investigation identifies derogatory information, the garrison commander must provide his or her written approval **before** the individual will be allowed to begin work. The individual must be notified of the derogatory information and given an opportunity to respond. The garrison commander may—but is not required to—conduct a command-level PRB to obtain a recommendation on whether to provisionally hire the individual. If provisionally hired, the individual must work under LOSS until the results of the CNACI (or host nation check) are received and favorably adjudicated. Appointments will be made subject to favorable adjudication of the results of the completed background check.

(2) The Commander Designated Entity is responsible for initiating each check with the responsible office, tracking and compiling the results, and identifying derogatory information. When preliminary investigations return favorable results, the Commander Designated Entity will give the results to the Civilian Personnel Advisory Center and/or the hiring/responsible organization. If derogatory information is found, the Commander Designated Entity will give the results to the hiring/responsible organization for a decision on whether it wishes to pursue the hiring action. If the organization chooses to pursue hiring, the Commander Designated Entity will initiate the CNACI (or host nation check). If the Commander Designated Entity identifies derogatory information when the results of the CNACI (or host nation check) are available, it must forward the information to the command-level PRB for adjudication. The command-level PRB must review the individual's case and recommend whether the individual should be found suitable for a child care services position. The adjudication process is detailed in enclosure 6.

(3) Foreign National Employees Overseas

(a) When permissible by the laws of the host government, the Commander Designated Entity will directly request the host government checks. Where the host nation's agreement prevents a background check comparable to a criminal history check, foreign nationals will not be eligible for employment overseas where regular contact with children is required.

(b) For the preliminary investigation, foreign national employees overseas will, at a minimum, have a DCII check and, if they have prior or current DoD affiliation, a full IRC. An FBI fingerprint Special Agreement Check will be requested unless prohibited by the terms of the host nation agreement.

(4) Foreign Nationals Within the United States. Foreign nationals who have not resided in the U.S. for 3 of the last 5 years will be processed for an FBI fingerprint Special Agreement Check. Foreign nationals who have resided in the U.S. for at least 3 of the last 5 years will receive a CNACI.

c. Reverification Requirement. A reverification that includes an IRC and FBI fingerprint check must be completed every 5 years for APF/NAF employees, military members (active and reserve), foreign national employees overseas and contractors. The reverification covers the time period since completion of the last background check. If derogatory information is uncovered during a reverification, the individual must immediately be placed under LOSS pending adjudication through the PRB process. However, in the case of a mandatory disqualification, an incident for which the individual has been charged with a mandatory disqualifying offense but the charge has not yet been disposed of, or any other circumstances where the commander determines that the nature or seriousness of the derogatory information indicates a potential risk to children, the individual must be removed from any contact with children while on the job until the case is resolved or other personnel action is taken.

d. LOSS

(1) Individuals working under LOSS must be conspicuously identified by distinctive clothing (identifiable colors), badges, wristbands or other apparent markings that are fully visible when viewed from all angles.

(2) Individuals permitted to perform duties under LOSS must be supervised; that is, monitored constantly by an individual who:

(a) has undergone a CNACI and received a favorable suitability determination;

(b) has met periodic reverification requirements under this directive; and

(c) has not previously exhibited wanton or reckless disregard for an obligation to supervise an employee, contractor or volunteer in accordance with this guidance.

(3) Supervision in this context is not necessarily the same as supervision by the employee's supervisor for employment purposes.

(4) Individuals otherwise required to perform duties only under LOSS may perform duties without LOSS supervision if interaction with the child:

(a) occurs in the presence of the child's parent or guardian;

(b) is in a medical facility, subject to the supervisory policies of the facility and in the presence of a mandated reporter of child abuse; or

(c) is necessary to prevent the death of or serious harm to the child, and supervision is impractical or infeasible (for example, medical emergency or emergency evacuation of a child from a hazardous location).

e. Failure to Complete. Failure to complete a background check does not create a positive presumption of an applicant's suitability to perform duties in a position subject to a background check, nor does such a failure create any right to legal or procedural recourse.

f. Statement of Previous Arrest or Charge. As part of their application, all individuals must complete a statement answering these questions:

- Have you ever been arrested for or charged with a crime involving a child?
- Have you ever been asked to resign because of or been decertified for a sexual offense? If so, describe the case disposition.

The statement must be signed under penalty of perjury and updated annually.

5. **Special Instructions**

a. CYSS. Regular CYSS contractors (those whose services are anticipated to be required on a regular, recurring basis) must have a background check (an IRC (when applicable), a local law enforcement check (where available), an FBI fingerprint check and a CNACI) completed with a favorable suitability determination before working outside of LOSS. The determination of whether services are recurring is based on the frequency and duration of services. Recurring contacts may include services performed:

- more than an average of 1 day a week for 3 or more months, or
- daily for a period of 1 month or longer.

Recurring contracts may include instructors, sports officials, school bus drivers, and child care service providers. Examples include permanent and temporary child youth program assistants; permanent and temporary personnel working in programs and services offered under Army Child Care in Your Neighborhood, Army School Program in

Your Neighborhood and Army Youth Program in Your Neighborhood; Camp Adventure volunteers; personnel at seasonal sports camps; tutors at both home and school; driving school instructors; custodial services personnel; coaches; respite care providers under the Exceptional Family Member Program; performing arts camp instructors; medical family life counselors; regularly scheduled bus drivers; youth development specialists; technology specialists; homework specialists; State coordinators for Operation Military Kids; ARNG Child, Youth and School Services program coordinators; and USAR Child and Youth Services program specialists.

b. Medical. Military members, civilian employees and contractors filling any healthcare position involving regular interaction with children must have background checks (an IRC (when applicable), an FBI fingerprint check and a CNACI). This group includes pediatric clinic ward, nursery and specialty service personnel (including staff at neonatal and pediatric intensive care units); Family medicine clinic personnel; members of patient-centered medical home teams; operating room and anesthesia personnel (when pediatric surgery is performed); Exceptional Family Member Program personnel; early development intervention personnel; child behavioral health personnel; radiology, dental and laboratory personnel administering pediatric care; emergency department personnel; speech pathologists; audiologists; school-based clinic personnel; occupational and physical therapists who work with children; community and public health nurses; Family advocacy personnel; immunization clinic personnel; and obstetrics/gynecology clinic personnel.

c. Chaplains. Military members (active and reserve), civilian employees and contractors filling any position involving regular interaction with children must have background checks (an IRC (when applicable), a local law enforcement check (where available), an FBI fingerprint check and a CNACI). This group includes Family life chaplains, youth group leader chaplains, chaplain's assistants, directors of religious education, religious education coordinators, youth group leaders and extenders, youth ministry specialists, Watch Care personnel, and any contract clergy or other personnel who have regular, recurring contact with children in chapel or chaplain-sponsored events or activities. Determination of whether services are recurring is based on the frequency and duration of services. Recurring contacts may include services performed:

- more than an average of 1 day a week for 3 or more months, or
- daily for a period of 1 month or longer.

d. Other Contractors. Some contractors provide services on an occasional basis or for such a short duration that conducting the CNACI is not feasible. These contract individuals must have an IRC (when applicable), a local law enforcement check (if available), and an FBI fingerprint check with favorable results before working; otherwise, they may only work under LOSS. Examples include a sports official who is used a few times during the season as backup for youth games; or an individual whose contact occurs on a very infrequent basis (once or twice a year for a short period of time) in support of field trips, community carnivals, holidays or special entertainment events.

6. **PII**

a. All managers, hiring officials and supervisors will ensure that internal procedures and safeguards are developed, implemented and maintained to protect PII in accordance with AR 340-21 (The Army Privacy Program) and AR 25-400-2 (The Army Records Information Management System (ARIMS)).

b. All commanders will ensure that personnel who handle PII are aware of their responsibilities for protecting personal information collected and maintained under the Army's Privacy Program.

7. **Records Maintenance and Destruction**

a. Records of background checks will be maintained in accordance with applicable laws and regulations.

b. Disposal of materials must be completed to limit the reconstruction of documents or in the same manner as what is required to destroy classified material. Copies of For Official Use Only documents will be disposed of in accordance with the provisions of Title 44, U.S. Code, Chapter 33 (Disposal of Records), DoD Directive 5015.2 (DoD Records Management Program), and AR 25-400-2.

c. Before destroying any information that was used to determine suitability, the Commander Designated Entity will properly document the adjudication of suitability determination in the DoD Central Adjudication Tracking System. For inspection purposes, the Commander Designated Entity's documentation will serve as proof that required background checks were satisfactorily completed and adjudicated.

SCREENING AND BACKGROUND CHECKS FOR FAMILY CHILD CARE, HOMES OFF-POST AND OTHER IN-HOME PROVIDERS

1. **Purpose.** To establish screening and background check requirements and supporting guidelines for providers of Army Family Child Care (FCC), Homes Off-Post (HOPS), Army-sanctioned foster care (overseas only) and Army-sanctioned respite care. For the purposes of background check requirements, these caregivers will be referred to as "in-home care providers." Strict compliance with these requirements and command oversight are critical to ensure the health, safety and well-being of children and to reduce the risk of child abuse and neglect for children cared for in-home settings since no other supervision occurs in these settings.

2. **Applicability.** The guidance in this enclosure applies to all individuals who provide care in a home setting and to individuals 12 years and older living in the provider's home for more than 30 consecutive days. Commander Designated Entities, MTFs, PMOs/DESs, ASAP offices, and DFMWRs responsible for on-boarding and/or who support screening and background checks will use this guidance to ensure that all providers have favorable suitability determinations made before they are allowed to operate.

3. **Responsibilities**

a. DFMWR is responsible for screening all applicants to be in-home providers by reviewing resumes, conducting personal interviews and checking at least two references before initiation of the background check. Providers with a military spouse must have a letter of reference signed by the service member's commander. Once initial screening is assessed as favorable, DFMWR will ask the Commander Designated Entity to initiate the background check for the applicant and all individuals 12 years or older who have resided in the home for more than 30 days.

b. The Commander Designated Entity is responsible for initiating, receiving and processing requests for background checks, tracking and compiling results, and identifying derogatory information from the results of the background check.

c. These offices are responsible for completing portions of the IRC and submitting the information to the Commander Designated Entity for interpretation:

- PMO/DES: installation military police records and local law enforcement checks,
- ASAP: drug and alcohol abuse record,
- MTF: Army Central Registry, and
- CID: DCII/CID records.

d. Commanders are responsible for:

(1) providing operational guidance, standing operating procedures and oversight for managing the installation FCC and HOPS programs to ensure that all in-home care providers and those individuals aged 12 and older who reside in the provider's home are properly screened and a favorable adjudication of background checks occurs ***before*** they are allowed to accept children into care. LOSS is not permitted for this category of providers. The guidance must also address the requirement for ***immediate*** command review and adjudication should derogatory information be found during the annual background check reverification or through some other means. In-home care providers may not resume child care operations until favorable adjudication is reached.

(2) ensuring that cases with derogatory information are reviewed and submitted through the PRB for a suitability recommendation to the commander. All cases of individuals whom the commander recommends as suitable, despite derogatory findings, will be forwarded to the HQDA PRB Review Panel for a final determination of suitability.

(3) maintaining and storing all background check records in accordance with appropriate security measures.

(4) establishing internal quality control checks, verifications and periodic reviews as part of program assurance for all FCC and HOPS providers.

4. **Requirements**

a. Preemployment Screening and Assessment. DFMWR is responsible for ensuring that an individual has the necessary skill sets for the position and, through personal interview and reference checks, will assess the applicant's temperament and suitability for work with children as an in-home care provider. In addition, FCC and HOPS applicants who are military spouses must provide a specific letter of reference from the sponsor's unit commander addressing the suitability of the provider and all individuals 12 years or older who reside in the home. Only after this prescreening assessment is made will the Commander Designated Entity start the actual background check process.

b. Background Check. Once DFMWR completes the preemployment screening and assessment and believes the individual is suitable to work with children, the Commander Designated Entity will initiate the background check. The background check requirements for all in-home providers are the IRC (when applicable), local law enforcement check (where available), FBI fingerprint check and CNACI. The background check requirements for all individuals 18 years or older who have resided in the provider's home for over 30 days include the IRC and FBI fingerprint check. For youth 12 to 17 years of age who have resided in the provider's home for more than 30 days, only the IRC is required. This next chart illustrates the requirements for in-home care providers, including individuals 12 years or older who have resided in the home for 30 consecutive days or more:

Category (Proponent)	Requirement (Proponent if Different)	In-Home Providers: FCC/HOPS, Foster, Respite	Individuals 12 Years or Older Residing in the Home
Preemployment Screening (DFMWR)	1) Application 2) Interview review 3) Reference check 4) Unit commander letter of reference	X X X X	 X
A Statement of Previous Arrest or Charge is required for all applicants and must be updated annually (see enclosure 4, paragraph 4d).			
Preliminary Investigation (Commander Designated Entity)	1) IRC* a. Local Military Records (PMO) b. Local Law Enforcement (PMO/CPAC) c. Drug and Alcohol (ASAP) d. Army Central Registry (MTF) e. DCII/CID Records (CID) 2) FBI Fingerprint Check (Commander Designated Entity) 3) Local Law Enforcement** (PMO/CPAC)	X X X	X X** X
* IRC only applies to individuals with prior or current DoD affiliation. The IRC check will be for the 5-year period preceding the application date. ** FBI fingerprint check is only required for individuals 18 years and older. • If derogatory findings are identified at this point, DFMWR will decide whether to pursue the applicant. If decision is to proceed, the Commander Designated Entity will initiate the CNACI. • Checks of mental health records and family housing will be done only to the extent required by references j and l. ** The local law enforcement check will be for the 5-year period preceding the application date.			
Completed background check (Commander Designated Entity)	CNACI (includes the State Criminal History Repository Check)	X	
• In-home care provider is considered cleared and can begin providing care if results of the provider's IRC, local law enforcement check, FBI fingerprint check and CNACI are deemed favorable AND the results of the IRC and fingerprint check for all individuals (as required) living in the home are also deemed favorable. • ALL derogatory findings for both the in-home care provider and individuals living in the home must be adjudicated through the PRB process. • Because LOSS is not available, in-home care providers cannot perform any work until favorable suitability determinations have been made for the provider and all individuals residing in the home. • No CNACI is required for military members whose sole interaction with children is living in the same household as FCC providers.			
Annual Reverification	1) IRC 2) FBI fingerprint check	X X	X X**

** FBI fingerprint check is only required for individuals 18 years and older.

The Commander Designated Entity is responsible for initiating each check with the proponent office, tracking and compiling the results of the check, and identifying derogatory information. When the results of the preliminary investigation are favorable, the Commander Designated Entity will give the results to the DFMWR. If the preliminary investigation identifies derogatory information, the Commander Designated Entity will give the results to the DFMWR for a decision on whether to pursue the hiring action. If DFMWR decides to pursue the hiring, the Commander Designated Entity will initiate the completed background check. If the Commander Designated Entity identifies derogatory information in the results of the CNACI (or CNACI equivalent), it must forward the information to the command for adjudication. The installation PRB must review the individual's case and recommend whether the individual should be found suitable for working with children. In-home care providers, including individuals 12 years and older who are living in the home for more than 30 consecutive days, must have a favorable suitability determination before the provider can begin caring for children. The provider may not work under LOSS. The adjudication process is detailed in enclosure 6.

c. Failure to Complete. Failure to complete a background check does not create a positive presumption of an applicant's suitability to perform duties in a position subject to a background check, nor does such a failure create any right to legal or procedural recourse.

d. Statement of Previous Arrest or Charge. As part of the application for a child care provider position, all care providers and adults and children over 12 years of age residing in the household must complete a statement responding to these questions:

- Have you ever been arrested for or charged with a crime involving a child?
- Have you ever been asked to resign because of or been decertified for a sexual offense? If so, describe the case disposition.

The statement must be signed under penalty of perjury and updated annually.

5. **PII**

a. All managers, hiring officials and supervisors will ensure that internal procedures and safeguards are developed, implemented and maintained to protect PII in accordance with AR 340-21 and AR 25-400-2.

b. Commanders will ensure that personnel who handle PII are aware of their responsibilities for protecting personal information collected and maintained under the Army's Privacy Program.

6. **Records Maintenance and Destruction**

a. Records of background checks will be maintained in accordance with applicable laws and regulations.

b. Disposal of materials must be completed to limit the reconstruction of documents or in the same manner as what is required to destroy classified material. Copies of For Official Use Only documents will be disposed of according to the provisions of Title 44 United States Code, Chapter 33, DoD Directive 5015.2 and AR 25-400-2.

c. Before destroying any information that was used to determine suitability, the Commander Designated Entity will properly document the adjudication of the suitability determination in the OPM Central Verification System. For inspection purposes, this documentation will serve as proof that required background checks were satisfactorily completed and adjudicated.

SCREENING AND BACKGROUND CHECKS FOR VOLUNTEERS AND ALL OTHER CATEGORIES OF INDIVIDUALS

1. **Purpose.** To establish requirements for screening and background checks and supporting guidelines for determining the suitability of specified volunteers and other categories of individuals not previously referenced in this directive who have regular contact with children in Army programs. Strict compliance with these requirements and personal command oversight are critical to ensure the health, safety and well-being of children and reduce the risk of child abuse and neglect for children who interact with specified volunteers and others in Army-sponsored or sanctioned programs and activities.

2. **Applicability.** The guidance in this enclosure applies to all specified volunteers and all other categories of individuals who have regular contact with children through Army programs and services, except for APF/NAF employees, foreign national employees overseas, contractors and FCC/HOPS providers, who are covered by the guidance in enclosures 3 and 4. Commander Designated Entities, chaplains, MTFs, PMOs/DESs, ASAP offices, DFMWRs and all other offices responsible for on-boarding personnel and/or who support screening and background checks for these individuals will follow the guidance in this enclosure.

3. **General Responsibilities.** All organizations will establish guidance and standing operating procedures to ensure that specified volunteers and other individuals who have regular contact with children in the performance of their duties—and who are not otherwise covered in this guidance—possess a favorable suitability assessment. Specified volunteers and all other categories of personnel must have a favorable IRC and FBI fingerprint check (if they were or currently are affiliated with DoD) before offering their services. Unspecified volunteers must always work under LOSS and therefore do not require a background check.

a. Volunteer Proponent Office. The proponent office where the specified volunteer (or other individual) will provide services is responsible for screening all specified volunteer applicants and other individuals by reviewing resumes, conducting personal interviews and checking at least two references before initiation of the background check. Once the proponent office recommends that the individual serve in a position with regular contact with children, the proponent office will ask the Commander Designated Entity to initiate the background check for the specified volunteer or other individual.

b. Commander Designated Entity. The Commander Designated Entity is responsible for initiating, receiving and processing the results of background checks and for identifying derogatory information in the results of the background checks.

c. Other Organizations. These offices are responsible for conducting portions of the IRC and providing the information and results to the Commander Designated Entity for interpretation:

- PMO/DES: installation military police records and local law enforcement records,
- ASAP: drug and alcohol abuse record,
- MTF: Army Central Registry, and
- CID: DCII/CID records.

d. Commands. Commands will:

(1) provide operational guidance and oversight for the volunteer program and ensure that standing operating procedures and policies address requirements for background checks for specified volunteers and other individuals who work with children. The guidance must also address the handling of individuals when derogatory information is uncovered during the background check or through some other means.

(2) designate specified volunteers not included in the list at paragraph 5b of this enclosure (on page 5) who will be authorized to operate outside of LOSS provided a favorable suitability determination has been made.

(3) convene a PRB, as necessary, to review and adjudicate derogatory information and make suitability recommendations to the commander. When the commander recommends suitability despite derogatory findings, the commander will forward the suitability file to the HQDA PRB Review Panel for a final determination of suitability.

4. **Requirements**

a. Preemployment Screening and Assessment. The responsible organization where the specified volunteer (or other individual) will provide services will ensure that the individual has the necessary skill sets for the position and, through personal interview and reference checks, will assess the applicant's temperament and suitability for work with children.

b. Background Check. Once the responsible organization completes the preemployment screening and assessment and believes the individual is suitable for working with children, the Commander Designated Entity will initiate the background check. The background check requirements for all specified volunteers and other individuals not previously addressed in this guidance include an IRC (when applicable), a local law enforcement check (where available) and an FBI fingerprint check. If an organization requires a specified volunteer to be allowed to provide LOSS for other volunteers, a CNACI must also be conducted and favorably adjudicated for the specified volunteer before he or she is allowed to provide LOSS. The following chart illustrates the requirements for specified volunteers and other individuals not previously addressed in this directive:

Category (Proponent)	Requirement (Proponent if Different)	Specified Volunteer	Other Individuals Not Previously Addressed
Prescreening (functional proponent)	1) Application 2) Interview review 3) Reference check	X X X	X X X
A Statement of Previous Arrest or Charge is required for all applicants and must be updated annually (see enclosure 5, paragraph 7).			
Completed background check (Commander Designated Entity)	1) IRC:* a. Local Military Records (PMO) b. Local Law Enforcement (PMO/CPAC) c. Drug and Alcohol (ASAP) d. Army Central Registry (MTF) e. DCII/CID Records (CID) 2) FBI fingerprint check (Commander Designated Entity) 3) Local Law Enforcement (PMO/CPAC)**	X X X X	X X X X
* IRC only applies to individuals with prior or current DoD affiliation. The IRC check will be for the 5-year period preceding the date of application. • Checks of mental health records and family housing will be done only to the extent required by references j and l. • Specified volunteers and others are considered cleared and can begin providing services if the results of these background checks are favorable. They cannot do any work, even under LOSS, before they have favorable results from the background checks. • If an organization requires a specified volunteer to be allowed to provide LOSS for other volunteers, a CNACI must also be conducted and favorably adjudicated for the specified volunteer before he or she is allowed to provide LOSS. • All derogatory findings must be adjudicated through the PRB process. ** The local law enforcement check will be for the 5-year period preceding the date of application.			
Reverification (required every 3 years)	1) IRC 2) FBI fingerprint check	X X	X X

The Commander Designated Entity is responsible for initiating each check with the responsible office and tracking, compiling and identifying derogatory information. For favorable findings, the Commander Designated Entity will give the results to the requesting office. In the case of derogatory information, the Commander Designated Entity will give the results to the command for adjudication through the PRB process unless the responsible office chooses not to accept the volunteer. Specified volunteers and other individuals must have favorable suitability assessments ***before*** the individual can offer services. An unspecified volunteer must always operate under LOSS.

c. Requirement for Reverification of Background Checks. A reverification that includes an IRC and FBI fingerprint check must be completed every 3 years for specified volunteers and others. If derogatory information is uncovered through a periodic reverification or some other means, the specified volunteer must immediately be placed under LOSS pending adjudication through the PRB process. When the

nature or seriousness of the derogatory information poses a potential risk to children or the allegation meets the criteria for mandatory disqualification, the individual must be removed from contact with children pending the outcome of the investigation or an adjudication decision from the PRB. Upon receipt of a favorable suitability determination, the individual may return to their volunteer status. If an unfavorable determination is rendered, the commander will take appropriate action to have the person removed from contact with children.

d. **LOSS**

(1) Specified volunteers will not be allowed to begin work under LOSS; the IRC, local law enforcement check (if available) and FBI fingerprint check must be completed and any findings favorably adjudicated ***before*** the specified volunteer can offer services. Unspecified volunteers must operate under LOSS at all times. They must be conspicuously marked by distinctive clothing (identifiable colors), badges, wristbands or other apparent markings that are fully visible when viewed from all angles.

(2) Individuals permitted to volunteer or perform duties under LOSS must be supervised; that is, monitored constantly by an individual who has:

(a) undergone a CNACI and received a favorable suitability determination;

(b) met the periodic reverification requirement for a recurring background check; and

(c) not previously exhibited wanton and reckless disregard for an obligation to supervise an employee, contractor or volunteer in accordance with this guidance.

(3) Supervision in this context is not necessarily the same as the employee's supervisor for employment purposes.

(4) Individuals otherwise required to perform duties only under LOSS may perform duties without LOSS supervision if interaction with the child:

(a) occurs in the presence of the child's parent or guardian, except in a medical facility;

(b) is in a medical facility, subject to the supervisory policies of the facility and in the presence of a mandated reporter of child abuse; or

(c) is necessary to prevent the death of or serious harm to the child, and supervision is impractical or unfeasible (for example, medical emergency, emergency evacuation of a child from a hazardous location).

5. **Special Instructions**

a. All volunteers are considered unspecified unless they have a background check with a favorable suitability determination. If an individual's volunteer time is expected to be less than what is required to complete the IRC and FBI fingerprint check, the functional proponent will ensure that the individual works only under LOSS.

b. The following list, though not all-inclusive, identifies specified volunteers. Garrison commanders or military of like grade and responsibility within the ARNG and USAR must officially designate other positions not included:

(1) FMWR: youth sports coaches.

(2) Chaplains: teachers and assistant teachers (Sunday school, Awana, catechists and other leaders in Catholic religious education, children's church, small groups with children; etc.); Vacation Bible School volunteers (teachers, directors, station leaders, group leaders); workshop leaders; choir directors; acolyte coordinators; Youth of the Chapel volunteers; Watch Care volunteers (during worship services and any other chapel-sponsored events); and lock-in and retreat chaperones (whether these programs are Strong Bonds, congregation-based or other overnight events). The volunteers on this list are individuals 18 years of age and older who are working in chapel programs providing leadership with children.

(3) ARNG and USAR: Unit special events like Yellow Ribbon.

c. Unspecified volunteers who work ***only*** under constant LOSS by a cleared and vetted individual may perform some of the following functions: being a disc jockey for dances; chaperoning field trips or special events; assisting in classrooms as part of the parent participation program; reading or conducting activities as a subject matter expert; participating in unit sponsorship activities (Soldiers); serving as Vacation Bible School aides, assistants and youth for the chapel; serving as a youth volunteer (under 18 years of age); and driving buses.

6. **Failure to Complete.** Failure to complete a background check does not create a positive presumption of a prospective volunteer's suitability to perform duties in a position subject to a background check, nor does such failure create any right to legal or procedural recourse.

7. **Statement of Previous Arrest or Charge.** As part of the volunteer application to work with children and youth, all volunteers must complete a statement that answers these questions:

- Have you ever been arrested for or charged with a crime involving a child?
- Have you ever been asked to resign because of or been decertified for a sexual offense? If so, describe the case disposition.

The statement must be signed under penalty of perjury and updated annually.

8. **PII**

a. All managers, hiring officials and supervisors will ensure that internal procedures and safeguards are developed, implemented and maintained to protect PII in accordance with AR 340-21 and AR 25-400-2.

b. All commanders will ensure that personnel who handle PII are aware of their responsibilities for protecting personal information collected and maintained under the Army's Privacy Program.

9. **Records Maintenance and Destruction**

a. Records of background checks will be maintained in accordance with applicable laws and regulations.

b. The disposal of materials must be completed to limit the reconstruction of documents or in the same manner as what is required to destroy classified material. Copies of For Official Use Only documents will be disposed of according to the provisions of Title 44, U.S. Code, Chapter 33; DoD Directive 5015.2; and AR 25-400-2.

c. Before destroying any information that was used to determine suitability, the Commander Designated Entity will properly document the suitability adjudication determination in the OPM Central Verification System. For inspection purposes, this documentation will serve as proof that required background checks were completed and adjudicated satisfactorily.

ADJUDICATION OF DEROGATORY INFORMATION

1. **Derogatory Information**

a. Criteria for Mandatory Disqualification. Pursuant to DoD Instruction 1402.5, no person, regardless of circumstances, will be approved to provide child care services if the individual has been convicted of a sexual offense, a drug felony, a violent crime or a criminal offense involving a child or children.

b. Discretionary Criteria. Officials charged with making determinations pursuant to DoD Instruction 1402.5 must include in the record a written justification for any favorable determination made where the results of a background check include any of the following discretionary criteria:

- acts that may tend to indicate poor judgment, unreliability or untrustworthiness in working with children;
- any behavior, illness, or mental, physical, or emotional condition that, in the opinion of a competent medical authority, may cause a defect in judgment or reliability;
- offenses involving assault, battery or other abuse of a victim, regardless of the age of the victim;
- evidence or documentation of substance abuse dependency or addiction;
- illegal or improper use, possession or addiction to any controlled or psychoactive substance, narcotic, cannabis or other dangerous drug;
- sexual acts, conduct or behavior that, because of the circumstances they occur in, might indicate untrustworthiness, unreliability, lack of judgment or irresponsibility in working with children;
- offenses such as arson, homicide, robbery, fraud or any offense involving possession or use of a firearm;
- evidence that the individual is a fugitive from justice;
- evidence that the individual is an illegal alien who is not entitled to accept gainful employment for a position; and
- finding of negligence in a mishap causing death or serious injury to a child or dependent person entrusted to their care.

c. Identifying Derogatory Information. The Commander Designated Entity is responsible for reviewing all results of a background check on an individual and for identifying derogatory information. If the IRCs uncover derogatory information, the

Commander Designated Entity will forward the information to the commander for a decision to approve or disapprove the individual's duty under LOSS. If the CNACI (or host nation check) uncovers derogatory information, the Commander Designated Entity will compile a file and forward it to the command for adjudication through the PRB process. However, the Commander Designated Entity need not forward the following results unless the incidents are recurring. If any doubt exists that the result or record meets these criteria, the Commander Designated Entity should err on the side of caution and forward the information to command for adjudication:

(1) administrative violations (for example, lost identification card or common access card);

(2) parking and/or vehicle maintenance violations (for example, failure to register vehicle, inoperative tail light);

(3) finding or record where the individual was a victim or witness to a crime with no criminal involvement;

(4) traffic accidents or offenses that have no connection to the position, no drug or alcohol involvement and no indication of reckless driving;

(5) financial debt or credit issues, including bankruptcy, unless the debt or issue is linked to the position. For those positions with a nexus, all previous and current bad credit issues, delinquent financial debt and bankruptcy findings, any of which are more than $5,000, will be fully adjudicated through the PRB process;

(6) minor, isolated criminal conduct that occurred 10 years or more in the past; or

(7) minor discrepancies with educational, reference or employment checks (for example, minor error in dates of attendance or employment).

2. **Adjudication of Derogatory Information.** The PRB is the Army's standardized process to objectively evaluate derogatory information about an individual that is found during the background check or reverification process. In the event that screening or the results of background checks identify mandatory disqualification information, the individual is disqualified from working with children or youth in an Army-sponsored or sanctioned program. All other derogatory information found by the IRC, CNACI (or host nation check) or reverification and forwarded to command for adjudication will be considered by a command-level PRB.

a. Installation or Other Comparable Command-Level PRB. Each commander will publish detailed guidance for establishing and conducting PRBs. The installation PRB (or equivalent for the ARNG and USAR) serves as the commander's multidisciplinary board for reviewing derogatory information found through the completed background check process or a reverification. This requirement applies to all categories of

individuals this directive covers. Installation PRBs will review PRB case files for MTF personnel. In consultation with MEDCOM, the garrison commander will make a recommendation in cases of MTF personnel requiring adjudication through the HQDA PRB Review Panel. The ARNG and USAR must have a similar process in place to review derogatory information and obtain final adjudication determination by the Deputy ASA (DASA) designated by the ASA (M&RA).

(1) The garrison commander will appoint primary and alternate PRB members on orders. The PRB will include representatives from the following organizations as voting members: installation law enforcement; CID; Family Advocacy Program; social work services or behavioral health; ASAP; CYSS; and the applicable functional program manager (such as MWR, chaplain, medical and Army Community Services) based on the case(s) being reviewed. Advisory, nonvoting members will include representatives from the Office of the Staff Judge Advocate and human resources office/Civilian Personnel Advisory Center. Other organizations may attend as nonvoting members as needed based on the case(s) under review (for example, contracting officer, Child Protective Services, Equal Employment Opportunity). Voting PRB members will recuse themselves when a conflict of interest occurs. A quorum of five members is required to conduct business.

(2) The command-level PRB will review all files the Commander Designated Entity forwards to the command as containing derogatory information from the completed background check or reverification.

(3) Except for mandatory disqualifying information, the PRB and commander will consider these additional factors when assessing suitability to the extent they are considered pertinent to the individual case:

- the kind of position the individual is applying for or is employed in,
- the nature and seriousness of the conduct,
- the recentness of the conduct,
- the age of the individual at the time of the conduct,
- the circumstances surrounding the conduct,
- any contributing social or environmental conditions,
- the absence or presence of rehabilitation or efforts toward rehabilitation, and
- the nexus of the arrest(s) in regard to the job to be performed.

(4) The individual will be given due process and the opportunity to challenge the accuracy and completeness of reported information, as well as explain any mitigating factors or extenuating circumstances.

(5) After deliberate consideration, the PRB will make a suitability recommendation on each individual case to the commander. After consideration of the PRB recommendation and case file, the commander may determine that a person is not suitable for the position.

(6) Alternately, the commander may recommend a favorable suitability determination. When the commander recommends a favorable determination despite the derogatory information, the individual's PRB case file will be forwarded to the HQDA PRB Review Panel for consideration. The commander must include a written justification for a favorable determination.

(7) The HQDA PRB Review Panel process will determine suitability for ***all*** categories of individuals who have regular, recurring contact with children in Army programs and services when the commander recommends suitability despite derogatory information. This policy has no exceptions.

b. HQDA PRB Review Panel

(1) The HQDA PRB Review Panel is composed of senior individuals from the Army Secretariat and Staff with expertise in various areas related to this directive. The panel will be chaired by a DASA designated by the ASA (M&RA). Participation on the panel is rotated among the designated individuals and offices.

(2) The HQDA PRB Review Panel will operate through subpanels that have three voting members at all times. The voting panel members will review each file. When two or more members determine that the individual is not suitable, the decision is final and conveyed to the command. When the panel recommends a favorable suitability determination despite the derogatory information, the file is referred to the ASA (M&RA)-designated DASA.

(3) In such cases the ASA (M&RA)-designated DASA, in consultation with the Offices of the Judge Advocate General and Army General Counsel, will make the final determination on an individual's suitability for a child care services position.

(4) The determination by the HQDA PRB Review Panel or the ASA (M&RA)-designated DASA is not a suitability determination within the meaning of 5 Code of Federal Regulations Part 731, but is a determination pursuant to the Crime Control Act of 1990, as amended, and DoD Instruction 1402.5 with respect to suitability for employment in a child care services position.

3. **Responsibilities for the HQDA PRB Process**

a. ASA (M&RA). The ASA will:

(1) organize the HQDA PRB Review Panel and designate the chair,

(2) provide strategic direction and supervision for the entire HQDA PRB Review Panel process,

(a) appoint members to the HQDA PRB Review Panel who are senior personnel in the grades of GS-15 or colonel equivalent as an additional duty and ensure that training is provided, and

(b) provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

b. ASA (Installations, Energy and Environment). The ASA will provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

c. ACSIM. The ACSIM will:

(1) designate an Administrative Coordinator for the HQDA PRB Review Panel to provide administrative and logistical support to the review panel process supervised by the ASA (M&RA). The ACSIM Administrative Coordinator will ensure the administrative sufficiency of all PRB case files for review by the panel, support panel members by clarifying or obtaining additional information, and ensure the integrity of the voting process on individual suitability determinations.

(2) publish detailed procedures and specified timelines to govern the timely transmission of PRB case files from the commander through the IMCOM chain of command to the HQDA PRB Review Panel.

(3) administer the automated Child-Related Employment Suitability Review system in support of the HQDA PRB Review Panel process. The system transmits the case file from installations to HQDA through the chain of command and returns the case file to the requesting organization.

(4) conduct and direct all communication regarding the background check and suitability determination until the HQDA PRB Review Panel or the ASA (M&RA)-designated DASA makes a final determination.

(5) provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

(6) provide oversight to IMCOM for:

(a) publishing requirements on the contents of the local PRB case file and processing of cases in accordance with command-published standing operating procedures.

(b) ensuring that commanders and local PRBs review derogatory information as required. The local PRB recommends a favorable or unfavorable suitability determination to the commander.

(c) preparing the PRB case file for transmittal through the IMCOM chain of command (or other appropriate command), with recommendation and supporting documentation, and providing any additional information that higher headquarters may require.

(d) conducting and directing all communication with individuals regarding the background checks and suitability determination until the final suitability determination is made.

(e) ensuring that commanders take appropriate action pursuant to the applicable provisions of the references when derogatory information is received on APF/NAF applicants; employees; foreign national employees overseas; members of the military; contractors; in-home providers (FCC, HOPS, etc.); or specified volunteers.

(f) making sure commanders notify individuals of derogatory information and give all appropriate notices under DoD Instruction 1402.5 with respect to disputes and appeals.

(g) ensuring that commanders satisfy any applicable labor relations obligations.

d. DCS, G-1. The DCS, G-1 will:

(1) assist the ASA (M&RA) as needed and take actions necessary to carry out the requirements established by regulation and policy with regard to suitability determinations based on background checks.

(2) provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

e. DCS, G-2. The DCS, G-2 will:

(1) assist the ASA (M&RA) as needed by taking actions necessary to carry out the requirements established by regulation and policy with regard to suitability determinations based on background checks.

(2) provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

f. Chief, National Guard Bureau. The Chief, through the Director, ARNG, will:

(1) assist the ASA (M&RA) as needed by making files available or taking actions necessary to carry out the requirements established by regulation and policy with regard to suitability determinations based on background checks.

(2) set forth procedures necessary to carry out the requirements for background checks and suitability determinations and forward cases as required for consideration by the HQDA PRB Review Panel.

(3) provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

g. Chief, Army Reserve. The Chief will:

(1) assist the ASA (M&RA) as needed by making files available or taking actions necessary to carry out the requirements established by regulation and policy with regard to suitability determinations based on background checks.

(2) set forth procedures necessary to carry out the requirements for background checks and suitability determinations and forward cases as required for consideration by the HQDA PRB Review Panel.

(3) provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

h. The Surgeon General. The Surgeon General will:

(1) assist the ASA (M&RA) as needed by making files available, to the extent permitted by law, or taking actions necessary to carry out the requirements established by regulation and policy with regard to suitability determinations based on background checks.

(2) provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

(3) take appropriate actions pursuant to applicable provisions of the references and AR 40-68 (Clinical Quality Management) (reference o) when derogatory information is received on any individual working with children on a regular, recurring basis.

i. The Judge Advocate General. In conjunction with the Army General Counsel, the Judge Advocate General will:

(1) ensure the provision of appropriate legal support as necessary; and

(2) review every case submitted to the HQDA PRA Review Panel for legal sufficiency before the panel makes a final determination.

j. The Chief of Chaplains. The Chief of Chaplains will:

(1) assist the ASA (M&RA) as needed by taking actions necessary to carry out the requirements established by regulation and policy with regard to suitability determinations based on background checks.

(2) provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

k. Provost Marshal General. The Provost Marshal General will provide two representatives at the GS-15 or colonel level to serve on the HQDA PRB Review Panel.

l. HQDA PRB Review Panel. The panel will:

(1) operate as three-member voting subpanels drawn from the rotating duty roster of the HQDA PRB Review Panel subject to their availability.

(2) make suitability findings based on the available documentation and supporting evidence by a majority vote of the three-member voting subpanel.

(a) When a majority of the panel finds that the individual is not suitable, the panel's decision becomes the final suitability determination after the requisite legal review.

(b) When the panel finds that the individual may be suitable, the panel's recommendation will be forwarded to the ASA (M&RA)-designated DASA for final determination. In those cases, the DASA will review the entire case file and make a final determination of suitability.

(3) maintain the confidential nature of the information reviewed by not discussing the details or releasing records pertaining to any individual case file. This provision does not restrict disclosure of information to individuals with an official need to know, consistent with the Privacy Act and other applicable laws and regulations.

4. **Referral of Suitability Case Files**

a. Each recommendation regarding suitability rendered by a command-level PRB, together with an explanation of the rationale justifying the recommendation and all information the local PRB considered, will be documented in writing, signed by the chair and each participating member of the command PRB, and forwarded to the appropriate commander for review.

b. The commander will review each local PRB recommendation and applicable documentation and make his or her determination or recommendation, as the case may be, on the suitability of the individual at issue.

(1) Only those cases in which the commander recommends that the individual be found suitable will be forwarded through the chain of command to the ACSIM Administrative Coordinator. The commander's signed recommendation, together with his or her rationale and the local PRB case file, will be forwarded through the IMCOM, ARNG or USAR chain of command, which will review it for administrative sufficiency.

(2) The ACSIM Administrative Coordinator will acknowledge receipt of the submitted case file.

c. The ACSIM Administrative Coordinator will assemble the case files, including the respective recommendations, for transmission to the HQDA PRB Review Panel. The panel case file will be identical to the case file reviewed by the command-level PRB and commander, but will also include the commander's recommendation and rationale.

5. **Access to Information.** Organizations will make all information available to decision makers necessary to correlate significant verified information in the case file.

6. **Organization and Procedures for the HQDA PRB Review Panel**

a. Membership. The following will provide two representatives to serve on the panel: ASA (M&RA); ASA (IE&E); ACSIM; DCS, G-1; DCS, G-2; the Director, ARNG; Chief, Army Reserve; The Surgeon General; Chief of Chaplains; and the Provost Marshal General. Members will serve for 1 year. Members are scheduled to sit on voting subpanels drawn from the full membership using a rotating duty roster subject to availability. The three-member voting subpanels will review each case separately during the panel review.

b. Process. The HQDA PRB Review Panel process is as follows:

(1) The ACSIM Administrative Coordinator will send cases via the Child-Related Employment Suitability Review system to three voting members, with an automated email notification to the panel members that cases are awaiting action.

(2) Each subpanel member will review the case file, including supporting evidence and facts presented; indicate his or her vote regarding suitability; and document the rationale for his or her recommendation using the specified criteria. A simple majority vote rules. If panel members vote that the individual is unsuitable, subject to legal review the final determination of the case is that the individual is unsuitable under DoD Instruction 1402.5, and the case file is returned to the commander. Only when the panel recommends that the individual be found suitable is the case forwarded to the ASA (M&RA)-designated DASA for a final determination.

(3) The ACSIM Administrative Coordinator consolidates the input and votes of the panel members and forwards the case file with the panel's recommended decision to the legal advisor for review.

(4) The legal advisor reviews the panel's proposed determination, annotates the case file and notifies the ACSIM Administrative Coordinator via email that the legal review is complete.

(5) If the panel recommends that the individual be found suitable, the ACSIM Administrative Coordinator notifies the ASA (M&RA)-designated DASA of a pending case for review via email. The DASA reviews the panel's recommendation, the case file and legal review and makes a final determination on suitability.

(6) The final suitability determination is recorded in the case file and returned via the automated Child-Related Employment Suitability Review system database, with email notification to the ACSIM Administrative Coordinator, who will notify the commander and return the case file. The commander is responsible for taking any follow-on actions.

(7) HQDA PRB Review Panel members and the ASA (M&RA)-designated DASA will complete their respective reviews and render their findings within 5 working days from receipt of the case file.

7. **Determinations by the HQDA PRB Review Panel and ASA (M&RA)-Designated DASA**

a. Decisions will be based on:

(1) a review of the case file referred with supporting documentation and in accordance with the suitability criteria and additional factors outlined in paragraphs 1b and 2a(3) of this enclosure.

(2) the knowledge and best judgment of the panel members or the ASA (M&RA)-designated DASA, based on all known facts, in consultation with legal advisors as necessary.

b. All information of record—both favorable and unfavorable—will be assessed in terms of its relevance, recentness and seriousness. The determination will be based on the criteria in paragraph 1 and the additional consideration factors delineated in paragraph 2a(3).

8. **Recordkeeping**

a. Maintenance of an additional set of records of the cases reviewed by the HQDA PRB Review Panel or the ASA (M&RA)-designated DASA at the HQDA level is

not required. HQDA will maintain a database of the recommendations and suitability determinations the panel and designated DASA made for each case reviewed.

b. The HQDA PRB Review Panel will be supported by the automated Child-Related Employment Suitability Review workflow with the functionality to manage the distribution of case files, count votes and record results.

DEFINITION OF ACRONYMS AND TERMS

ACSIM	Assistant Chief of Staff for Installation Management
ALT	Acquisition, Logistics and Technology
APF	Appropriated Fund
AR	Army Regulation
ARNG	Army National Guard
ASA	Assistant Secretary of the Army
ASAP	Army Substance Abuse Program
CAF	Central Adjudication Facility
CID	Criminal Investigation Command
CNACI	Child Care National Agency Check and Inquiries
CYSS	Child, Youth and School Services
DASA	Deputy Assistant Secretary of the Army
DCII	Defense Central Index of Investigations
DCS	Deputy Chief of Staff
DES	Directorate of Emergency Services
DFMWR	Director(ate) of Family and Morale, Welfare and Recreation
DoD	Department of Defense
FBI	Federal Bureau of Investigation
FCC	Family Child Care
FM&C	Financial Management and Comptroller
HOPS	Homes Off-Post
HQDA	Headquarters, Department of the Army
IE&E	Installations, Energy and Environment
IMCOM	U.S. Army Installation Management Command
IRC	Installation Records Check
LOSS	Line of Sight Supervision
MEDCOM	U.S. Army Medical Command
MTF	Medical Treatment Facility
MWR	Morale, Welfare and Recreation
NACI	National Agency Check and Inquiries
NAF	Nonappropriated Fund
NCIC	National Crime Information Center
OPM	U.S. Office of Personnel Management
PII	Personally Identifiable Information
PMO	Provost Marshall Office
PRB	Program Review Board
USAR	U.S. Army Reserve

TERMS

Army-Sponsored or Sanctioned Programs. Any program, facility or service funded, operated or officially sanctioned by the Army, or any agency, unit or subdivision thereof. Examples include, but are not limited to, chapel programs, child development centers, in-home care programs, Drug Education for Youth programs, MTFs, DoD Education Activity schools, Scouts, and recreation and youth programs. This term does not include programs operated by other State or Federal agencies or private organizations without the official sanction of a DoD entity.

Central Verification System. A national database OPM manages that contains information on background investigations, credentialing and suitability determinations, and security clearances.

Chapel Volunteer Management System. A program the Army Chief of Chaplains established that provides oversight of all volunteers within Army chapels and chapel programs, separate and distinct from other garrison volunteer programs.

Child Care National Agency Check and Inquiries. The CNACI is a background investigation that includes the National Agency Check and Inquiries (NACI) and the State Criminal History Repository check.

a. **NACI.** A background investigation consisting of searches of the OPM Security/Suitability Investigations Index; the Defense Central Index of Investigations (DCII), fingerprint name file and fingerprint chart from the FBI's Identification Division; and FBI Records Management Division files. Additional written inquires about the applicant are sent to former employers, supervisors, references and schools.

b. **State Criminal History Repository check.** A check conducted of a State's central record of investigative files.

Child Care Services. DoD personnel and contractors who are involved in any of the following:

> . . . child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs and detention, correctional, or treatment services. . .

as defined in the Crime Control Act of 1990, Public Law 101-647, section 231 (reference a).

Child, Youth and School Services. A Department of the Army program designed to enhance military readiness by providing comprehensive on- and off-post child care

options and supervised programs for youth. CYSS covers the full gamut of child-based programs from child care options to teen youth centers and extracurricular sports programs, as well as programs executed by the reserve components, including camps and youth development activities.

Child, Youth and School Services Personnel. For the purposes of this directive, employees of the Federal Government or others who work directly in CYSS organizations or in support of CYSS, including APF, NAF and contracted personnel; providers of FCC/HOPS; Family members 12 years of age and older, and other authorized adults residing in the household; military and civilian volunteers who support CYSS as sports officials, coaches, youth hires; and others working in CYSS programs (such as MWR partners, interns and trainees).

Child(ren). As defined in DoD Directive 6400.1 (Family Advocacy Program (FAP)) (reference g), a "child" is a person under 18 years of age, whether a natural child, adopted child, foster child, stepchild, or ward, of a servicemember or DoD civilian or their spouse. The term also includes an individual of any age who is incapable of self-support because of a mental or physical incapacity and for whom treatment in a medical treatment facility is authorized.

Commander Designated Entity. A single entity within an organization that the commander has designated to be responsible for the initiation, coordination and tracking of background checks for individuals involved in child care services, as defined in DoD Instruction 1402.5. Commander Designated Entities also are responsible for reviewing the results of the background check to determine whether they contain derogatory information.

Complete Background Check. For APF and NAF personnel; military; foreign national employees overseas; contractors; and FCC, HOPS and other in-home providers, the complete background checks consists of the preliminary investigation (IRC and FBI fingerprint check) and the CNACI (including the State Criminal History Repository check) or host nation background check as applicable. For volunteers and all other categories of individuals, a complete background check consists of the IRC and FBI fingerprint check.

Contractor. An expert, consultant, licensee or certificate holder who performs work for or on behalf of the Department of the Army (but not a Federal employee). The term includes all subcontractors (personnel services contractor or any other category).

Derogatory Information. Information that may reasonably justify an unfavorable suitability or fitness determination because of the relationship between the issue or conduct and the core duties of the position.

DoD Affiliation. A prior or current association, relationship or involvement with DoD or local military installation.

Family Advocacy Program. The Family Advocacy Program is designed to address the prevention, identification, evaluation, treatment, rehabilitation, followup and reporting of Family maltreatment. Governed by DoD Directive 6400.1 (reference g), the program consists of coordinated efforts designed to prevent and intervene in cases of Family distress and to promote healthy Family life.

FBI Fingerprint Check. A scan or print of a person's fingerprints used to search FBI databases to screen for arrests and dispositions of arrests and other information in the databases.

Family Child Care. Quarters- or home-based child care services that are provided for military personnel, civilian employees or eligible employees of a contractor by an individual the Army has certified as qualified to provide those services. The individual normally provides care on a regular basis for compensation for 10 hours or more a week for one or more (up to six) children, including the provider's own children under 8 years of age. Also referred to as Family home child care, Family home care, child development homes and Family day care.

Family Child Care Provider. An individual 18 years of age or older who provides child care for 10 hours or more a week for a child on a regular basis in his or her home with the approval and certification of the garrison commander. The FCC provider is responsible for planning and carrying out a program that meets the needs of children at their various stages of development and growth.

Family Child Care Family Resident. Any person, 12 years of age or older, who resides in the FCC home for 30 or more consecutive days.

Foreign National Employees Overseas. Non-U.S. citizens DoD has hired for employment on an overseas installation.

Foster Care. A voluntary or court-mandated program that provides 24-hour care and supportive services in a Family home or group facility for children who cannot be properly cared for by their own Family. For the purposes of this directive, the term is only applicable outside the U.S. within Government-owned or leased quarters.

Healthcare Personnel. Personnel involved in the delivery of healthcare to children under the age of 18 on a frequent and regular basis. This may include:

a. **Medical and Dental Care Staff.** Physicians, dentists, nurse practitioners, clinical social workers, clinical psychologists, physicians' assistants, physical therapists and speech pathologists.

b. **Clinical Support Staff.** Clinical providers not granted defined clinical privileges, including residents, registered nurses, licensed practical nurses, nursing assistants, play therapists and technicians.

Homes Off-Post Provider. An individual 18 years of age or older who provides child care for 10 hours or more a week for a child on a regular basis in his or her home with the approval and certification of the garrison commander. The HOPS provider is responsible for planning and carrying out a program that meets the needs of children at their various stages of development and growth. HOPS providers must be State-certified.

Host Government Check. A background check conducted on foreign nationals in accordance with treaties or agreements between the United States and the host country.

Installation Records Check. An investigation conducted through the records of all installations of an individual's identified residences for the preceding 5 years before the date of the application. The IRC requirement applies to ***all*** individuals with a prior or current DoD affiliation who are involved in the provision of child care services and have regular contact with children. For the Department of the Army, the IRC consists of these checks:

a. **PMO/DES Check.** This check identifies military police records linked to the individual where that individual is identified as the subject of a founded offense. The check also includes bars and traffic tickets. The results of the check include:

(1) military police record number;

(2) report date;

(3) Social Security number;

(4) first and last names;

(5) date, location and description of offense; and

(6) disposition information:

- Status of DA Form 4833 (Commander's Report of Disciplinary or Administrative Action): pending, complete or never submitted;
- DA Form 4833: Action Taken (YES/NO);
- Action Taken: If "YES," whether the action was administrative, nonjudicial or judicial; and
- DA Form 4833: Finding.

b. **Local Civilian Law Enforcement Check.** This check identifies criminal offenses investigated by a civilian law enforcement agency off post and may include city police, county sheriff and magistrate or State records. Local civilian law enforcement checks will be conducted where State law permits. The PMO/DES will query their available

State police databases where the applicant resided during the 5 years preceding the date of application for employment. The PMO/DES will consult with the installation Staff Judge Advocate to determine if civilian law enforcement records are obtainable according to State law. The PMO/DES will notify the Commander Designated Entity at the time of request if State law restricts access to the checks.

c. **Army Substance Abuse Program Check.** Made only with consent of the individual, this check of the Drug and Alcohol Management Information System database by ASAP identifies individuals who may have had a substance abuse issue in the past. The ASAP office will provide the following information to the Commander Designated Entity within 5 business days:

- all illicit positive urinalysis tests and any positive test that has not been adjudicated by a medical review officer as authorized use,
- dates of screening when not enrolled with the primary basis and diagnosis if one is available, and
- enrollment period if enrolled with primary basis and diagnosis and success or failure of rehabilitation.

d. **Army Central Registry Check.** This check of the central database for the Armywide Family Advocacy Program identifies individuals who have "met criteria" as an offender in a case of Family maltreatment. See AR 608-18 (The Army Family Advocacy Program) (reference y). The MTF is responsible for providing the results of the query to the Commander Designated Entity within 5 business days.

e. **Criminal Investigation Division/Defense Clearance Index of Investigation Check.** This CID check identifies Army CID Reports of Investigation and U.S. Army Crime Records Center reports linked to individuals if they are the subject of an offense. CID will return name check results to the proponent Commander Designated Entity within 15 calendar days. The DCII check identifies central DoD records of investigative files and adjudicative actions, such as clearances and access determination, revocations, and denials concerning military, civilian and contractor personnel.

f. **Mental Health Records Check and Housing Check.** Checks of mental health records and family housing will be done only to the extent required by references j and l.

Line-of-Sight Supervision. LOSS requires continuous visual observation and supervision of an individual while engaged in child-interactive duties or in the presence of children in an Army-sponsored or sanctioned program or activity. The person providing supervision must have undergone IRC checks and a CNACI background check, received a favorable suitability determination and be current on the periodic reverification requirements in this directive. An individual permitted to work subject to LOSS must continue to function under LOSS until the results of his or her completed background check are received and favorably adjudicated. For more information for health care personnel, refer to DoD Instruction 1402.5, paragraphs E6.2.5 and E6.8.

Met Criteria. Reported incident of Family maltreatment that meets the relevant DoD criteria for alleged child or domestic abuse for entry into the Family Advocacy Program's central registry of child and domestic abuse reports.

Office of Personnel Management. The Army's investigative service provider for the conduct of background investigations to support a suitability or national security determination.

Personally Identifiable Information. Any information that could be used to uniquely identify, contact or locate a single person or trace a person's identity, including but not limited to, Social Security number, education, criminal or employment history, date and place of birth, biometric records, medical history or financial transactions.

Personnel Security Investigation Portal. The system authorized requesters use to request the initiation of a background investigation.

Preliminary Investigations. Those background checks (the IRC and FBI fingerprint check) that must be completed and favorably adjudicated before an individual may be permitted to perform duties under LOSS.

Program Review Board. A multidisciplinary board that a commander establishes to assess derogatory information found on individuals during the screening process or background check investigation, or when suitability issues arise during employment. After assessment of the findings, the PRB is responsible for making a suitability recommendation to the commander. The PRB will include representatives from the following organizations as voting members: installation law enforcement, CID, Family Advocacy Program, social work services or behavioral health, ASAP, CYSS and the applicable functional program manager (such as MWR, chaplain, medical and Army Community Service) based on the case(s) being reviewed. Advisory, nonvoting members will include representatives from the Office of the Staff Judge Advocate and human resources office/Civilian Personnel Advisory Center. Representatives from other organizations (such as contracting officer, Child Protective Services, Equal Employment Opportunity) may attend as nonvoting members as needed based on the case(s) under review. (See enclosure 6, paragraph 2a(1).)

PRB Case File. A file that contains source background check documents and other required documentation for use in the PRB process to consider an individual's suitability for a child care services position under DoD Instruction 1402.5.

Regular Contact With Children. Recurring and more than incidental contact with or access to children during the performance of duties on an Army installation, related to a program or as part of a military-sanctioned activity.

Reverification. A periodic reverification (an IRC and FBI fingerprint check) required every 5 years for all civilian employees, military personnel and contractors and every 3 years for volunteers. All FCC, HOPS, foster care and respite care providers and

Family members 12 years of age and older residing in the provider's home require reverification annually.

Respite Care. Short-term care and supportive services in a Family home or group facility for children to relieve stress, prevent child abuse and promote Family unity for a parent, foster parent, guardian or Family member.

Suitability (or Fitness) Determination. Based on review of the results of a background check, a decision whether an individual is suitable to perform duties in a child care services position. Suitability determination will be "favorable," meaning that the individual is fit to perform the duties, or "unfavorable," meaning that the individual is not.

Volunteer. Individuals who offer assistance to a program on an unpaid basis. For the purpose of background checks, volunteers supporting Army programs and activities will be statutory volunteers who are specified or unspecified volunteers.

a. **Statutory Volunteer.** Covered under Title 10, U.S. Code, section 1588, this term includes those individuals who donate their services to the Army, including programs that provide services to members of the Armed Forces and the Families of such members, including, but not limited to, Family support; CYSS; library and education; religious activities; MWR; and medical, dental, nursing or other healthcare-related services.

b. **Specified Volunteer Position.** A position designated by the component head or designee, such as the installation commander. Individuals filling these positions require an IRC and FBI fingerprint check because of the nature of the volunteer work in child care services. The individuals have extensive or frequent contact with children over a period of time outside of LOSS. They include, but are not limited to, positions involving extensive interaction alone, extended travel or overnight activities with children or youth.

c. **Unspecified Volunteer.** Individuals who usually provide services that are shorter in duration than is required to perform a background check and not otherwise specified (for example, chaperoning a 1-day class trip or class party). These individuals must always operate under LOSS.

Watch Care. A short-term service for infants and children whose parent or guardian is participating on location in a chapel activity. Chapel watch care is typically provided by approved chapel volunteers or individuals on a nonpersonal services contract working on a by event/by hour basis.

Youth Programs. DoD-sponsored activities, events, services, opportunities, information and individual assistance responding to the recreational, developmental, social, physiological, psychological, cultural, spiritual and educational needs of eligible children and youth, including before and after school programs, as well as holiday and summer camps. These activities support the acquisition of lifelong skills and facilitate

transition to adulthood. Youth programs are designed to be offered within a physically and emotionally safe environment that includes appropriately trained support staff in designated facilities and locations.