



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

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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.

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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

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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).

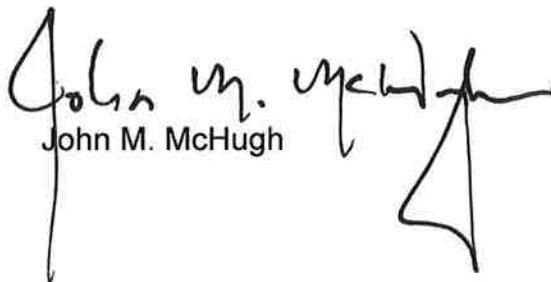
9. The Assistant Secretary of the Army (Manpower and Reserve Affairs) is the proponent for this policy and retains oversight for this guidance. I hereby delegate to the Assistant Secretary the authority to grant waivers to this policy when circumstances warrant and risk to the well-being, safety and 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.

Encls

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(see next page)

  
John M. McHugh

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