

FREQUENTLY ASKED QUESTIONS CHILD PROTECTION GUIDANCE

(Began collection 12 March 2016)

1. Is the Chaplain Corps mandating that all 56Ms get the background checks?

AD 2014-23 Para 3 page 1 states;

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, non-appropriated fund and overseas foreign nationals); contractors (regular and recurring); military members of the active and reserve components;

So, if the 56A or 56M has regular contract as defined in Encl 7 Definitions then YES the check is necessary and required by HQDA.

Additionally, DoDI 1402.05 11 Sep 15, Encl 3 Para 1 (e) 5; Individuals subject to criminal history background checks are: Chaplains, chaplains' assistants, religious program specialists, and other individuals employed or performing child care services duties for children under 18 years of age on a DoD installation or as part of a military-sanctioned program.

2. If they are not that needs to be addressed, because that is the perception. See Above

3. If it is not a 56 "all" mandate then, it needs to be articulated to the field that it is only for those who have "recurring contact" with children as spelled out in the Army Directive 2014-23. The Directive and the Guidance make it clear checks are for those with regular and recurring contact. Some commands may have stricter requirements.

4. If this is mandatory for all 56Ms then it would stand to reason that it is an MOS requirement, which is currently not the case.

HQDA G-1 has been working to "roll-in" the litany of child protection checks into those MOSs that would encounter "regular contact" situations as part of his/her duty description. This is an evolving process in coordination with G-2. This is yet to be determined.

5. What happens if a chaplain assistant does not pass the background check, but meets all other requirements to be a 56M? Will that Soldier be legally MOS qualified? If a Soldier, 56M or 56A, does not pass the specific background check as it pertains to child protection then that Soldier's case must be adjudicated at the command level and constitute PRB action, AD 2014-23 Para 4c. This implies that during this time the Soldier cannot have regular contact with children or provide LOSS in any cases and must be under LOSS. (See also enclosures 3-5) The Soldier would still be legally MOS qualified but deemed unfit in "regular contact" situations.

6. If a Chaplain Assistant refuses to do the background check can he/she legally be given an Article 15? Why would a Soldier deny a check in situations where regular contact is the case? Can a person deny a field sobriety check if they are perceived to be under the influence? No. If a person has or will have regular contact then the checks must be complete. Consequences are a command function for denying checks and should be handled at that level. The issue at hand is the mandate to protect children. Refusing that encounters a greater matter for the Chaplain Corps and the MOS.

7. Is it a lawful order to mandate chaplain assistants do the background checks, even if they do not meet the "recurring contact" requirements? Regulations exist for a reason and Soldiers are to follow them. AD 2014-23 is a Secretary Army Directive and will soon be a regulation. In the absence a published Army Regulation on the matter, DoDI 1402.05 details outlines Background Checks on Individuals in DoD Child Care Services Programs states the following (Para 3a pg 1) ;

It is DoD policy that:

a. Individuals who have regular contact with children under 18 years of age in DoD-sanctioned child care services programs will undergo a criminal history background check in order to protect the health, safety, and well-being of children in such programs.

Additionally, DoDI 1402.05 11 Sep 15, Encl 3 Para 1 (e) 5; Individuals subject to criminal history background checks are: Chaplains, chaplains' assistants, religious program specialists, and other individuals employed or performing child care services duties for children under 18 years of age on a DoD installation or as part of a military-sanctioned program.

8. What is the equity or implication of CCCPG for Strong Bonds?

Strong Bonds utilizes a three-tier approach in supporting child care requirements at SB events. CYSS, Chapel Watch Care, and corporate vendors. CCCPG does not specifically mention Strong Bonds as childcare protection measures are meeting compliance in the three tiered approach. CYSS and Chapel Watch Care are vetted locally by the CDE and corporate vendors are vetted through an OCCH enterprise contract.

9. How was this guidance disseminated? The guidance was sent to all command chaplains and senior leaders on 10 March 2016. It was also send via "Chaplain Sends," by DACH 3/5/7 and through IMCOM RSO HQ. So, three targeted approaches to vet the guidance. Additionally, it was sent on 8 April 16 to all Strong Bonds Program Managers per 4/6/8 Director.

10. Was the guidance cleared through legal? Yes, all strategic documents are vetted through legal prior to distribution. Due to the length of CCCPG and CVM and the implications for various legal aspects, the documents were at legal for 60 days before being staffed for CCH signature.

11. What is the process for military checks and/or adjudication? As of Oct 2015, it was noted that unique organizations like MEDCOM and the Chaplain Corps have a degree of complexity added to the process for ensuring checks are complete. The end state is compliance and the process based on the unique organizations will need to be built from the ground up. Proper documentation vetted at the local command level and local legal will serve the process well. Additionally, a Memo for Record (MFR) will assist in capturing any nuances across the corps. As HQDA moves to publish a regulation, lessons learned in these ground up processes will assist that effort.

12. Which chaplain and/or chaplain assistants is considered regular contact? see DoDI 1402.05 11 Sep 15, Encl 3 Para 1 (e) 5; Individuals subject to criminal history background checks are: Chaplains, chaplains' assistants, religious program specialists, and other individuals employed or performing child care services duties for children under 18 years of age on a DoD installation or as part of a military-sanctioned program.

13. Has there been any alleviation on the LOSS issue? (DoDI 1402.05, pg 22 states that line of sight for non-specified volunteers must be done by a staff member [legally a staff member is a military or civilian. Contractor or specified volunteers are NOT staff members.]) Any resolve to this issue will be detailed in the background check regulation produced by HQDA, which is forthcoming. The AD and the DoDI are published, but a regulation is still a due out for HQDA.

14. How long until the completion of the SOPs? (An SOP is advisable per AD 2014-23 and was built during working groups in Aug & Oct 15) SOPs are currently at a 60-65% completion rate and on track to be completed NLT 1 Sep 16. An earlier completion date is anticipated.