

# **20210205\_MCFP\_AM\_Support\_SB0369\_Child\_Abuse\_Identi**

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**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE**  
1500 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-1500

**February 9, 2021**

**Senator William C. Smith Jr.**  
**Chair, Maryland Senate Judicial Proceedings Committee**

**Remarks of**  
**Christopher R. Arnold**  
**Northeast Region Liaison**  
**United States Department of Defense-State Liaison Office**

**Support of: SB0369 - Child Abuse and Neglect - Memorandum of Understanding With  
Military Family Advocacy Program**

**Testimony**

Mr. Chairman and honorable members of the Judicial Proceedings Committee, the Department of Defense is grateful for the opportunity to support the policies reflected in SB0369, an act relating to child abuse and neglect, and hopes that Maryland will join the 27 other states that have passed similar legislation on this issue. Even one child's life is worth this effort.

My name is Christopher Arnold. I am the northeast region liaison at the DoD-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness.

We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

The DoD relies on working in collaboration with state and local governments to fulfill its statutory obligation to address child abuse and neglect.<sup>12</sup>

The bottom line up front, particularly for those that do not know the military way of life, is that unlike civilian employers, the military services have the obligation to know what is happening with our soldiers and families 24/7. It is part of how we do business. Being a soldier is not a nine to five job. Information sharing between DoD and local authorities must be accomplished at the start of an abuse/neglect investigation – not after adjudication. Unfortunately, due to the lack of a consistent, statewide statutory framework, this has not always been the case in Maryland.

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<sup>1</sup> 10 U.S.C. 1787 directs the Secretary of Defense to request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).

<sup>2</sup> Public Law 103-337, Section 534(d)(2) establishes victim advocacy services for victims of family violence through the family advocacy programs of the military departments.

SB0369 allows the reporting of child abuse to the appropriate military installation when the child is a military family member. This law ensures efforts to determine the military status of parents subject to abuse or neglect allegation, assists families as they seek medical and counseling services through the military installation, and sets forth minimum requirements for information sharing between DoD and state and local authorities.

Under DoD policy required by federal law, each military installation and/or unit (such as the Baltimore Recruiting Battalion) with 500 or more personnel must establish a family advocacy program and enter into a memorandum of understanding with the local child welfare agency for reporting cases, providing services, and defining responsibilities when responding to child abuse and neglect, domestic abuse, and problematic sexual behavior in children and youth.

To meet this statutory obligation, DoD, in accordance with Section 1787 of Title 10 of the United States Code, established the Family Advocacy Program, or “FAP”, to address prevention of and response to child abuse and neglect involving children in military families.<sup>3</sup>

The military’s FAP is formally created by Department of Defense Instruction (DoDI) 6400.01, wherein section 3, the FAP incorporates prevention, education, and training efforts to make all personnel aware of the scope of child abuse and neglect, domestic abuse, and problematic sexual behavior in children and youth, as well as to facilitate collaborative and cooperative efforts. The federal Child Abuse Prevention and Treatment Act, or “CAPTA”, and its attendant regulations (80 FR 11777) delineate the FAP as a federal entity subject to the requirement to protect children from abuse and neglect.

CAPTA further requires that a state such as Maryland has in effect, and is enforcing a State law, or has in effect and is operating a statewide program relating to child abuse and neglect that includes “*provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect*”<sup>4</sup>, and “*the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse and neglect.*”<sup>5</sup>

Congress passed the Talia Williams Child Abuse Notification Act, or, “Talia’s Law” (Public Law 114-328) in December 2016, which compels members of the armed forces, Department of Defense civilian employees or contractor employees to report any suspected abuse on a military installation to State Child Protective Services in addition to military personnel.<sup>6</sup>

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<sup>3</sup> See *supra* at 1.

*“The Secretary of Defense shall request each state to provide for the reporting to the Secretary of any report the state receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).”* (10 U.S.C. § 1787)

<sup>4</sup> 42 U.S.C. § 5101, 106(b)(2)(B)(ix)

<sup>5</sup> *Id.* § (xi)

<sup>6</sup> Exhibit A.

To effectuate these state-federal information sharing mandates, DoDI 6400.01 directs the military services to establish memoranda of understanding with state and local child welfare services to collaborate on the oversight of cases involving military families.

Currently in Maryland, the present framework relies on individualized, local MOUs to guarantee communication between the county Department of Social Services/Child Protective Services (DSS) and the military community. There are, at present, nine active-duty installations with 500 or more personnel which have established Family Advocacy Programs in Maryland.<sup>7</sup> Eight of these installations have executed an MOU, while one, NSA Bethesda (including Walter Reed Army Medical Center Forest Glen and Glen Haven) has not.

Some of these MOUs, such as the one in place at Joint Base Andrews, are considered to be effective and a model for other facilities and local governments.

The Baltimore Recruiting Battalion, other facilities with less than 500 personnel and installations with 500 or more personnel that are subordinate commands, including, but not limited to, the Adelphi Laboratory Center, Blossom Point Research Facility, Camp David/NSF Thurmont, the Naval Academy's North Severn complex, the Suitland National Maritime Intelligence-Integration Office, and Naval Surface Warfare Command Indian Head, utilize the Family Advocacy Program of a parent or regional partner installation.

While of course we remain optimistic that NSA Bethesda will execute an MOU, an exhaustive review of the other existing MOUs throughout the state indicate they are inconsistent, and of further concern, in some instances, reveal they fail to meet the requirements of federal law and policy and are therefore nonfunctional.

Fort Meade reports that they have experienced problems getting CPS to report child abuse cases that occur when a family lives off post. They describe their MOU as “hit or miss.” Fort Detrick was only able to expand the scope of their agreement after the Office of Attorney General became involved, which helped get Frederick and Washington counties to agree to changes.

The situation at Aberdeen Proving Ground is most instructive as to why a statewide solution is needed. Merely having an MOU is not a guarantee that it has operationalized communication and cooperation.<sup>8</sup>

APG’s MOU with Harford County DSS, or “HCDSS”, was signed in November 2017. While the MOU addresses reporting for child abuse/neglect cases occurring off post, it does not allow mandatory reporting to FAP personnel of child abuse/neglect cases involving soldiers and their families. Per the discretion of HCDSS, if a child abuse/neglect case occurs off post by a Soldier or family member APG FAP personnel may not be notified.

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<sup>7</sup> These include, for the Department of the Air Force, (1) Joint Base Andrews; for the Department of the Army, (2) Aberdeen Proving Ground, (3) Fort Detrick, and (4) Fort Meade; and for the Department of the Navy; (5) the Fort Meade Naval Contingent, (6) Naval Air Station Patuxent River, (7) Naval Support Activity Annapolis, (8) Naval Support Activity Bethesda, and (9) Naval Support Activity South Potomac.

<sup>8</sup> Exhibit B.

Cases referred to APG FAP receive immediate investigation, support and resources for the Soldier and families in accordance with Army regulation. Cases which are not referred to APG FAP are not afforded the opportunity to receive immediate resources, treatment and support. Accountability cannot be enforced if child abuse/neglect cases are not reported to APG FAP. Non-reporting of child abuse/neglect cases from HCDSS prevents statistical reporting data for the Army.

Following the House Judiciary hearing on the cross-file of this bill on February 4, HCDSS contacted APG, offering to renegotiate the MOU. While this is an encouraging sign, specific state level guidance that directs information sharing with the military will provide consistency among all branches of service and state and local agencies when there is an allegation of abuse or neglect involving a military family. The policy in SB0369, which draws upon the best practice approach identified by DoD, will provide this consistency and support the MOU process.

Were SB0369 to become law, a revised MOU with HCDSS and the APG FAP would be bound by the requirements set forth in the bill, allowing resources, treatment and support to be available immediately. Such collaboration provides a united effort to support Soldiers and families who have obtained child abuse/neglect cases off post.

DoD respectfully submits Maryland can assist the DoD mission to protect military children and other youth from abuse and neglect by enacting the policies set forth in SB0369, which will require (1) child welfare case workers to ask clients if they are associated with the military, and (2) provide them the authority to share this information with the appropriate military authorities, which facilitates a more consistent and authoritative approach to collaborative oversight.

Seventy percent of military families live off a military installation and in our communities, and so are likely to fall under the jurisdiction of state and local agencies. The military services have investigative, intervention, and rehabilitative support resources that can assist the county child welfare system in addressing allegations and provide follow-up family counseling when they have knowledge of an allegation. DSS needs the full cooperation of military personnel to enable it to effectively perform its professional and statutory responsibilities.

The Family Advocacy Program may have information regarding incidents of allegations that occurred in other states where the Service member was stationed that the DSS would not otherwise have access to during their investigation.<sup>9</sup> Because military families move frequently across state lines, not sharing information could result in a family falling through the cracks. The military can also assist DSS in access to families that live on installations. The FAP personnel

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<sup>9</sup> 5 U.S.C. 552a; Privacy Act establishes the regulation of records maintained on individuals by any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government.

and DSS can share information and planning on the management of child abuse or neglect cases involving military families.<sup>10</sup>

In August 2019, the Defense Health Board noted “*that child abuse can be difficult to quantify because of underreporting, and some studies suggest a lower rate of incidents being reported to the FAP if the incidents are first identified at a civilian facility.*”<sup>11</sup> Therefore, it recommended, “**in the absence of state legislation** (emphasis added) *that DOD ensure that all U.S. military installations have memorandums of agreement in place with state child welfare agencies for bilateral information sharing on child abuse cases.*”<sup>12</sup>

At instant, Maryland has the opportunity for such state legislation. Statutory authority will support development of more consistent MOUs, allowing better coordination of local child welfare and military protective and rehabilitative services in support of military children and families.

FAP multidisciplinary personnel teams, military commanders, commanding officers and other military department leaders have an official need to know data germane to incidents of suspected child abuse or neglect in order to fulfill their respective duties and responsibilities to take actions regarding military personnel and their dependents on such matters as, but not limited to, child and family safety, continued access to classified information, installation security, eligibility for overseas assignments, and continued suitability for sensitive military assignments.<sup>13</sup> Most all of these decisions have no civilian equivalents and may have to be made temporarily during an investigation in the interest of readiness and national security.

A February 2020 report to Congressional requestors from the United States Government Accountability Office, which included observation of incident determination processes at Joint Base Andrews, highlighted the importance of state statutes that require the collection and

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<sup>10</sup> The question has been asked about possible adverse impact on the Service member if cases are reported to the FAP and subsequently found to be inconclusive or unfounded. An excerpt from DoDM 6400.01 Vol. 3, Family Advocacy Program (FAP) Clinical Case Staffing Meeting (CCSM) and Incident Determination Committee (IDC), August 11, 2016, may be helpful:

*“A commander may not take administrative or disciplinary action against a Service member based solely upon an incident status determination (ISD) for an act of child abuse or domestic abuse allegedly committed by that Service member; however, commanders may take disciplinary or administrative action based on legal or other appropriate advice independent of the ISD.”*

<sup>11</sup> Defense Health Board Report, *Healthy Military Family Systems: Examining Child Abuse and Neglect* (Aug. 6, 2019).

<sup>12</sup> *Ibid.*

<sup>13</sup> 10 U.S.C. 1794 directs the Secretary of Defense to maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

reporting of military affiliation to the appropriate military authorities as part of state child abuse cases.<sup>14</sup>

The GAO found that the extent of collaboration between the military and other state and local authorities (such as child welfare agencies) varied among the installations in their review.<sup>15</sup> The report stated that service officials do not always have visibility over these incidents since they may first be reported to the relevant civilian authorities instead of to the military. State legislation was needed *“because prior efforts to establish memorandums of agreement were only focused on information sharing and did not specify procedures for state and local child welfare agencies to use in determining whether a family involved in an incident had a military connection...a statutory basis is important because otherwise state laws that limit who child welfare agencies can share information with about child abuse cases may take precedence.”*<sup>16</sup>

Mr. Chairman, DoD appreciates your recognition of the important relationship between the state and local child protective services and the associated military FAP offices in responding and providing support and services to address child abuse in military families. The importance/benefit of establishing a reciprocal information sharing requirement through state statute serves to support the establishment and ongoing collaboration with local CPS offices on MOUs statewide.

This is not a military law enforcement matter. This is a victim advocacy measure to protect our most vulnerable.

In closing, let me say that we are grateful for the tremendous effort that Maryland has historically given in supporting our Service members and their families. On behalf of the Department of Defense, we respectfully pray for your favorable report of the policy changes expressed in SB0369 and thank Senator Peters for his sponsorship.

Yours etc.,

**CHRISTOPHER R. ARNOLD**  
Northeast Region Liaison  
Defense-State Liaison Office

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<sup>14</sup> GAO. *CHILD WELFARE: Increased Guidance and Collaboration Needed to Improve DOD’s Tracking and Response to Child Abuse*, GAO-20-110 (Washington, D.C.: February 10, 2020).

<sup>15</sup> *Id.* p. 56

*“For example, child welfare agency officials in Virginia noted that state policies requiring that they notify the FAP about cases with a military affiliation have increased the amount of coordination between the state and the military. However, according to FAP officials at one installation we visited in North Carolina—where approximately 80 percent of dependent children live off the installation—it was rare to receive notification from some counties for child abuse cases with a military affiliation because, at the time of our visit, there was no state policy requiring it. DOD’s continued focus on improving collaboration with the states that have not yet established such a requirement should help to increase the department’s visibility over incidents occurring off the installation. It should also help to ensure that military families obtain the available FAP services for which they are eligible.”*

<sup>16</sup> *Ibid.*

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## EXHIBIT A



### FAP Process

- FAP receives allegation of incident
  - FAP forwards all allegations to law enforcement
  - Commanders, law enforcement must refer ALL known/suspected child abuse and neglect and domestic abuse cases to FAP
  - Medical services are engaged for evaluation
  - All child abuse and neglect allegations are required to be reported to local Child Protective Services (CPS) for investigation and disposition
  - FAP is required to establish MOUs with civilian CPS and social service agencies. FAP manages child abuse cases in coordination with CPS
- FAP clinician performs psychosocial clinical assessment(s)

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### FAP Process (cont.)

- Incidents that meet a reasonable suspicion of child abuse/neglect and domestic abuse are reviewed by an Incident Determination Committee (a multi-disciplinary team) using standardized maltreatment definitions to determine if they meet the clinical criteria for abuse
- For an incident that meets the clinical criteria for abuse, a treatment plan is developed in the FAP Clinical Case Staff meeting
  - For an allegation of an incident that does not meet the criteria for abuse, the family is offered services (e.g., parenting classes, marital counseling), if they want additional support and resources
- Incidents that meet the criteria for abuse are recorded in the FAP Central Registry
- Victims in domestic abuse incidents are provided the option of making a "restricted report," which allows them to receive advocacy and treatment services without involving command and law enforcement

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### Focus on Prevention

- Preventing child abuse and neglect and domestic abuse starts with healthy intimate relationships and safe, strong, resilient families
- DoD FAP Strategic Plan for Prevention guides the DoD and Services initiatives and actions
  - Emphasizes community awareness, command and professional training and family support
  - Stresses importance of collaboration and coordination with military and civilian components of the coordinated community response agencies
  - Supports the use of low stigma, evidence informed approaches that, to the extent possible, align with initiatives of our federal partners:
    - Families Overcoming Under Stress (FOCUS)
    - Military One Source-Non-medical counseling, education and support
    - USDA partnership—professional training, parent education, research, program evaluation

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## EXHIBIT B



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY INSTALLATION MANAGEMENT COMMAND  
U.S. ARMY GARRISON ABERDEEN PROVING GROUND  
4510 BOOTHBY HILL AVENUE  
ABERDEEN PROVING GROUND MARYLAND 21005-5001

13 NOV 2017

MEMORANDUM OF AGREEMENT  
BETWEEN  
US ARMY GARRISON ABERDEEN PROVING GROUND  
AND  
HARFORD COUNTY DEPARTMENT OF SOCIAL SERVICES, MARYLAND

SUBJECT: Investigation and Treatment of Child Abuse and Neglect

1. Reference: Army Regulation (AR) 608-18, Army Family Advocacy Program, 30 October 2007.
2. Purpose: To establish a written Memorandum of Agreement (MOA) between US Army Garrison Aberdeen Proving Ground (APG), and the Harford County Department of Social Services (HCDSS), regarding the investigation, treatment, and disposition of child abuse and neglect involving active duty military personnel and their family members.
3. The Commander, USAG, APG, by virtue of his inherent authority as Commander, and through the specific authority granted to him under AR 608-18, is the appointing authority for this Agreement and is responsible for the prevention, protection, and treatment of child abuse and neglect within his command. Many entities are involved in handling child abuse and neglect on and off the installation. It is essential that the Parties develop and implement appropriate written procedures. HCDSS has a statutory mandate to protect abused or neglected children in Harford County through the assessment and response to reports of abuse or neglect.
4. Applicable Laws: The Parties, including all participating agencies, shall comply with all applicable Federal, state, and local laws. State criminal and civil laws apply on the installation, and to the extent that there is no interference with the Federal function or military mission, may be enforced by state officials in the state court.
5. Scope: This Agreement does not purport to create additional jurisdiction nor to limit or modify the existing jurisdiction vested in the Parties.
6. Understanding:
  - a. The Parties have a shared objective in reducing incidents of child abuse and neglect.
  - b. Definitions: For purposes of this Agreement, the following definitions apply.
    - 1) Family Advocacy Program (FAP): The Army program, set forth in AR 608-18, to promote the general welfare of the Army Families by coordinating human services and, when necessary, by interceding on the Families' behalf. The objectives of the FAP are to prevent child and spouse abuse, to encourage the reporting of all instances of such abuse, to ensure the prompt investigation of all abuse cases, to protect victims of abuse, and to treat all Family members affected by or involved in abuse.

SUBJECT: Investigation and Treatment of Child Abuse and Neglect

2) Social Work Services (SWS): The agency of the APG KIRK United States Army Health Clinic (KUSAC) responsible for the intake, investigation, assessment, and management of spouse/intimate partner abuse and child abuse/neglect.

3) Case Review Committee (CRC): A multidisciplinary team whose purpose is to coordinate medical, legal, law enforcement, social service assessment, identification, investigation, treatment functions, and command intervention from the initial report of spouse/child abuse to case closure. Basic membership shall include:

- a) Family Advocacy Program Manager (FAPM), 410-278-7478
- b) Social Work Services/Chairperson CRC, 410-278-1755
- c) Staff Judge Advocate (SJA), or designee, 410-278-1583
- d) Post Chaplain, 410-278-4333
- e) Provost Marshal or designee, 410-306-0550
- f) Clinical Director, Army Substance Abuse Program, 410-278-3784
- g) Medical Treatment Facility (MTF) representative (medical doctor), 410-278-1932
- h) Criminal Investigative Division (CID), 410-278-5262
- i) The HCDSS (when a case involves an allegation of child abuse or neglect), 410-836-4713

4) Foster Care: A voluntary or court-mandated program that provides 24-hour care and supportive services in a family home for children who cannot be cared for by their natural family or legal guardian for as long as they need substitute care.

5) The CRC point of contact: In addition to those specific duties set forth in AR 608-18 as modified herein, the FAPM and/or SWS will serve as liaison with HCDSS. These individuals will be responsible for overseeing the referral of on-post incidents of suspected child abuse to HCDSS. In addition, SWS will monitor the progress of the individuals involved in the incident and the administration of any treatment. The SWS will keep the CRC informed of the status.

6) Physical Abuse: For purposes of this Agreement, any physical injury sustained by a child causing harm or under circumstances that exposed the child to a substantial risk of harm as a result of action by any parent, household, or family member, or other person having permanent or temporary care, custody, or responsibility for the supervision of a minor child. In accordance with (IAW) section 5-701(b), Family Law Article, Maryland Annotated Code 2009.

7) Sexual Abuse: Any act that involves a sexual act by any parent or other person who has permanent or temporary care, custody, or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes (i) incest, rape or sexual offense in any degree; (ii) sodomy; (iii) unnatural or perverted sexual practices; (iv) allowing or encouraging a child to participate in pornography; and (v) human trafficking. (IAW section 5-701 (x), Family Law Article, annotated Code of Maryland 2009).

SUBJECT: Investigation and Treatment of Child Abuse and Neglect

8) Neglect: Leaving a child unattended or other failure to provide proper care and attention to a child by any parent or other person, who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm. Neglect includes the failure to provide the basic necessities of life, i.e., food, shelter, supervision, medical and dental care, and education. (IAW section 5-701 (s), Family Law Article, Annotated Code of Maryland 2009.

9) On-post incident: Child abuse or neglect that occurs within the boundaries of APG involving a military family or household member.

10) Off-post incident: Child abuse or neglect that occurs beyond the boundaries of APG involving a military family or household member.

11) Child: A person under the age of 18 who is a natural, adopted, or step-child of a military service member, who is still under paternal/maternal care and responsibility or temporary care of the military service member, or who is incapable of self-support because of mental or physical incapacity that currently exists and for whom treatment is authorized in a medical facility of the uniformed services.

12) Family Member: Child, spouse, or other dependent of a service member or any other relative by blood, adoption, or marriage of a child.

13) Harford County Department of Social Services: The local department of social services directly responsible for intake, investigation, and management of child maltreatment occurring in Harford County, Maryland.

14) Reporting Point of Contact (RPOC): The RPOC for all suspected incidents of child abuse is the APG Provost Marshall's Office (PMO) at 410-306-0550.

#### 7. Intake Procedures

a. The FAP and HCDSS share joint responsibility for the intake of information regarding child maltreatment.

b. For both on-post and off-post incidents, HCDSS is the lead entity responsible for the investigation of reports of child abuse and neglect.

c. In cases of suspected child abuse or neglect occurring on-post, HCDSS will involve FAP on a multi-disciplinary case consultation team and sharing information accordingly.

d. In cases of suspected child abuse or neglect occurring off-post, HCDSS will exercise its discretion in deciding whether to involve FAP on a multi-disciplinary case consultation team.

e. In cases of child physical or sexual abuse occurring on-post, HCDSS will immediately notify and work with military law enforcement.

f. In cases of suspected child abuse or neglect occurring on-post, FAP or military law enforcement will ensure that HCDSS has immediate access to family or household members to assure safety and begin the investigation.



SUBJECT: Investigation and Treatment of Child Abuse and Neglect

g. In all cases of suspected child abuse or neglect in which HCDSS is working with military law enforcement, HCDSS will coordinate with military law enforcement, whenever possible, to schedule joint interviews. When this is not possible, HCDSS will notify FAP or military law enforcement of the results of any such interview.

h. In all cases of suspected child abuse or neglect brought to FAP's attention, FAP will immediately notify HCDSS.

i. In all on-post cases of child physical or sexual abuse brought to the attention brought to FAP's attention, FAP will immediately notify HCDSS.

j. In all cases of suspected maltreatment subject to this Agreement, as to which HCDSS has a signed release from all adults involved in the reported incident, and on behalf of any child, a signed release by a parent not alleged to have been responsible for the maltreatment, HCDSS will notify and share information concerning its investigation with FAP regardless of whether FAP participates on a multi-disciplinary case consultation team. (Enclosure 1)

k. In the event that an investigation of a military family or household member results in a judicial or administrative proceeding case, APG shall make available, in response to a subpoena, all personnel with information pertinent to the proceeding and all related records.

l. The HCDSS shall have primary responsibility for providing child protective services, to include appropriate foster care, if and when the need for these services exist. The FAP and PMO shall cooperate with HCDSS in allowing access to the installation for child removal actions and in providing any necessary reports or documents; treatment to qualified military personnel and testimonial evidence in support of legal proceedings on behalf of the child IAW AR 608-18, AR 190-40, AR 27-10, Chapter 18 and the Health Insurance Portability & Accountability Act.

8. Treatment:

a. In all cases involving child maltreatment, counseling and other available services offered at APG may be integrated into HCDSS service and safety plans.

b. The CRC will advise HCDSS of the availability of such services.

9. Confidentiality and Records Access:

a. Pursuant to Maryland Annotated Code, Human Services 1-201(c), all information shared with and between all of the undersigned Parties is strictly confidential and shall not be re-disclosed, divulged, nor made known to any other Party, without appropriate authorization. Violation of this provision is subject to prosecution.

b. Upon request, SWS, in coordination with the SJA, will promptly make available to HCDSS any military records needed for the investigation or provision of services related to child abuse or neglect.

c. The SWS will similarly, upon request, have prompt access to information from HCDSS-CPS consistent with Section 7 above.

d. A representative from HCDSS-CPS will attend the CRC meetings to obtain information, and where permitted by law provide the team with on-going information regarding a report of

**SUBJECT: Investigation and Treatment of Child Abuse and Neglect**

suspected child abuse/neglect cases involving military persons. Prior to participating on any committee, each member must sign the Member Confidentiality Agreement. (Enclosure 2) Any ad hoc member attending a meeting must sign the Ad Hoc Member Confidentiality Agreement. (Enclosure 3)

e. The HCOSS will conduct background checks for all members of a military family who apply to become Family Child Care (FCC) providers or who otherwise apply to work or volunteer with children on-base.

**10. Communications:**

a. The Parties agree that effective execution of this Agreement can only be achieved through dialogue and cooperation among and between the Parties.

b. The Parties intend that lines of communication between the FAP, SWS, and HCOSS shall remain open and put to maximum use toward the resolution of any issues, misunderstandings, or complaints.

**11. Amendments:** This MOA may be amended only if the Parties mutually agree in writing. Except for the specific provision of the MOA, which is amended, the MOA remains in full force and effect until after such amendment. Nothing in this Agreement will be construed as obligating either the Army or APG, its officers, employees or agents to expend any funds in excess of appropriations authorized for such purposes in violation of the federal Anti-Deficiency Act (31 U.S.C. Section 1341).


**12. Termination:** This Agreement will terminate at such time as the undersigned representatives of the Parties, or their successors, mutually concur that the aforesaid objectives of the Parties have been fulfilled and the need for such an Agreement no longer exists. Alternatively, any Party may unilaterally withdraw from this Agreement upon 180 days written notice to the other Party.

**13. Fair Practices:** All participating agencies certify that they prohibit, and covenant, that they will continue to prohibit discrimination on the basis of the following:

a. Political or marital status, religious opinion or affiliation, age, color, creed, sex, sexual orientation, or national origin.

b. Physical or mental disability or a qualified individual with a disability.

**14. Effective Date:** This Agreement represents the complete and final understanding between the Parties, including all participating agencies. No other understanding, oral or written, regarding the subject matter of the MOA, may be deemed to exist or to bind the Parties at the time of execution. This Agreement will become effective upon the completion of the signature of both Parties. The MOA will be reviewed triennially and updated as appropriate.

  
JEROME M. REYERSON  
Director, Harford County  
State of Maryland

  
ROBERT L. PHILLIPS  
Colonel, U.S. Army  
Commanding

# **09 FEB 21\_MD Senate MOU\_Pallett\_Draft 3.0.pdf**

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Position: FAV



**REMARKS OF**  
**MRS. JODI PALLETT**  
**REGIONAL COUNSELING, ADVOCACY AND PREVENTION PROGRAM**  
**MANAGER,**  
**NAVAL DISTRICT WASHINGTON**  
**BEFORE THE**  
**MARYLAND STATE SENATE JUDICIAL PROCEEDINGS COMMITTEE**  
**ON THE**  
**FAMILY ADVOCACY PROGRAM**  
**FEBRUARY 9, 2020**

Distinguished Members of the Maryland State Senate Judicial Proceedings Committee, thank you for this opportunity to testify on the Navy's mandate for Coordinated Community Response between the Family Advocacy Program and State and Local Child Protective Services Agencies. The mandate for coordination through development of local Memorandums of Understanding is directed through a series of Department of Defense Instructions and Manuals and is most recently codified through the Navy's Office of Chief of Naval Operations Instruction (OPNAVINST) 1752.2C issued on 20 May 2020. In the OPNAVINST, each installation Family Advocacy Program is required to establish a Family Advocacy Committee, charged with coordination with outside partners to include CPS to ensure the following:

“1. Formal MOUs are established as appropriate with counterparts in the local civilian community to improve coordination on domestic and child abuse investigations, emergency removal of children from homes, fatalities, arrests, prosecutions, and orders of protection involving military personnel.

a. Military criminal investigation organizations and legal officials establish formal MOUs, or include existing MOUs with their counterparts in the local community, to set forth procedures for improving information sharing on domestic abuse investigations, arrests, and prosecutions involving military personnel.

b. MOUs between the installation and local civilian agencies and offices may be used to strengthen and formalize procedures for dealing with domestic abuse incidents that occur on or off the installation.

c. MOUs should be crafted to address issues specific to an installations and the communities surrounding it. There are, however, several issues that MOUs should address. A general statement of purpose of the MOU is essential. An explanation of jurisdictional issues that affect respective responsibilities on and off the installation will reduce conflicts. The MOU Should include procedures for exchanging information regarding domestic abuse incidents involving active duty Service members and their families.”

Additionally, the OPNAVINST 1752.2C mandates:

“2. Installation agencies have established MOUs which set forth the respective roles and functions of the installation and the appropriate Federal, State, local or foreign agencies or organizations (following Status of Forces Agreements). The MOUs provide:

a. Child welfare services, including foster care to ensure ongoing and active collaborative case management between the respective courts, CPS, foster care agencies, and Family Advocacy Program.

b. Medical examination and treatment

c. Mental health examination and treatment.

d. Domestic abuse victim advocacy.

e. Related social services, including State home visitation programs when appropriate.

f. Safety shelter.

In the Naval District Washington (NDW) region, there are five Fleet and Family Support Centers with Family Advocacy Programs that are located within the State of Maryland. Presently, four of the five programs have established MOUs with CPS. As the Regional Counseling Advocacy Program Supervisor who oversees the Family Advocacy Program for these installations, I am not aware of any issues in working with CPS; however, I do foresee the benefit of having formalized requirements that come from both the Department of the Navy and the State of Maryland for MOUs between the NDW installation Family Advocacy Programs and local CPS. Mutual mandates for formalized agreements will assist in bringing the Family Advocacy Program and CPS to the table more frequently to ensure each party is clear on their roles, jurisdictions, procedures, and capacities that will ultimately benefit the safety of military children.

## **SB 0369.pdf**

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Position: FWA

**Statement of Jayson L. Spiegel**  
**In Support of SB0369**  
**Child Abuse and Neglect – Memorandum of Understanding with**  
**Military Family Advocacy Program**  
**February 9, 2021**

My name is Jayson Spiegel. I am a Gaithersburg resident and retired after 28 years commissioned service in the Army and Army Reserve. I am a former Executive Director of the Reserve Officers Association of America and Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs. I am the Principal Advisor for Legislative Affairs, and Principal Advisor for Communications for the Maryland Democratic Party Veterans Council. I also chair the Legislative and Policy Committee of the Veterans Democratic Club of Charles County and Vicinity

While working as a government contractor, I managed a contract providing world-wide family support to military personnel and advocates for victims of domestic abuse.

I am speaking in my personal capacity.

I urge the Senate to pass SB 0369, which requires local social services departments to enter into a memorandum of understanding with military family advocacy programs to provide for better coordination of local child welfare and military protective and rehabilitative services to support military children and families.

The substance of SB0369 is one of the top ten priorities of the Military State Policy of the Department of Defense Military One Source program that supports military personnel and families. The Military State Policy program provides state policymakers “an expert, trusted resource for insight on issues that affect military families.”

<https://statepolicy.militaryonesource.mil/>

In accordance with Section 1787 of Title 10, the Department of Defense established the Family Advocacy Program to address prevention of and response to child abuse and neglect involving children in military families. Current data reflect that 70% of active duty military families reside in the civilian community.

DoD addresses child abuse and neglect by working in collaboration with state and local governments. State statutes directing the collection of military affiliation as part of the child abuse and neglect response process and sharing pertinent case file information with the appropriate military authorities can provide consistency and complement the statutory responsibility of the Department of Defense. This is a win-win for the state and the military child welfare systems and military families.

The Military State Policy program urges states to adopt legislation to increase collaboration between the DOD and state/local governments to fulfill the DOD’s statutory obligation to address child abuse and neglect. . Current DOD Policy, DOD Instruction 6400.01, requires the military to establish memoranda of understanding with state and local child welfare services to

collaborate on the oversight of cases involving military families. States can help prevent child abuse by requiring local jurisdictions to report child abuse among military families to service officials, improving their ability to support military children and their families.

The Military State Policy program identifies several “best practices” that are included in SB0369. These include

- Establishing a memorandum of understanding between the Military Family Advocacy Program and the local jurisdiction in which military installation is located that:
  - Identifies those alleged to have committed abuse or neglect as military personnel; and
  - Establishes reporting procedures by a local jurisdiction to the Military Family Advocacy Program, consistent with federal and state confidentiality requirements.

SB0369 is similar to statutes recently enacted in Washington State, Revised Code of Washington 26.44.030 (4), and South Carolina, Section 63-7-320, Code of Laws of South Carolina

As drafted, SB0369 may not, however, cover all potential instances of abuse. The bill requires a MOU between the Military Family Advocacy Program and a “local department,” which is defined as having a “military installation within its jurisdiction.”

The term “local department” is defined too narrowly. For example, Fort Meade is located in Anne Arundel County. As drafted, SB0369 would only require the Fort Meade Military Family Advocacy Program to enter into an MOU with Anne Arundel County. It is likely, however, that military personnel assigned to Fort Meade may live in Howard, Prince George’s and other counties.

Accordingly, I recommend that Section 1 B be amended to read:

“A local department that has a United States Military Installation located within its jurisdiction or *is likely to have military personnel living within its jurisdiction who are assigned to the United States Military Installation.*”

I want to thank Senator Peters for his leadership on this issue and urge the passage of SB0369.