

**SUPPORT – HB 646**

**Child Abuse And Neglect: Memorandum of Understanding with Military Family Advocacy Programs**

House Judiciary Committee

February 4, 2021

**Testimony of Del. Geraldine Valentino-Smith**

Dear Chair Clippinger and Members of the Committee,

**HB 646, Child Abuse and Neglect: Memorandum of Understanding with Military Family Advocacy Programs** will offer a clear pathway for the sharing of information between our counties' local departments of social services and U.S. military installation Family Advocacy Programs (FAP) in Maryland. HB 646 will require and streamline MOU development between local departments of social services and FAPs on military installation bases, regarding child abuse, neglect and domestic abuse allegations.

Military installations are required by Section 1787 of Title 10 US Code to coordinate with civilian social service agencies to obtain information on allegations of abuse in military families. Currently, the present system relies on individual, local Memorandums of Understandings (MOU) to guarantee communication between a county department of social services (DSS) and the military community. These MOUs are developed in counties that have military installations but may not exist in all counties where military families reside. Currently there is an inconsistency both in developing the MOUs as well as insufficient implementation when an MOU does exist. MOUs are necessary to maximize communication and cooperation, and HB 646 will ensure that state level guidance is provided and will direct the sharing of information with the relevant FAPs.

Seventy per cent 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. Without notification, many personnel may not have access to services offered by their base FAPs. The military programs have investigative, intervention, and rehabilitative support resources that can assist the social services departments in addressing allegations and the needed follow-up family counseling in response to an allegation.

A streamlined approach to MOUs throughout the state will ensure that allegations of child abuse and neglect and domestic abuse will be shared Family Advocacy Programs. Additionally, the local departments will benefit from the full cooperation of military personnel in fulfilling their statutory responsibilities.

The broad offerings of FAP services include:

- A wide range of family support programs can be offered to families even if there is no substantiation of an allegation.
- Medical, legal, and security resources of the military can be used to help solve and prevent episodes of abuse and neglect.
- The Family Advocacy Program (FAP) may have information regarding incidents of allegations that occurred in other states where the Service member was stationed that the department of social services (DSS) would not otherwise have access to during their investigation. 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 and DSS can share information and planning on the management of child abuse or neglect 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 (DSS) and the military community.

There are at present ten active-duty installations with 500 or more personnel which have established FAPs. These include, for the Department of the Air Force: Joint Base Andrews; for the Department of the Army: Aberdeen Proving Ground, Fort Detrick, and Fort Meade; and for the Department of the Navy: the Fort Meade Naval Contingent, Naval Air Station Patuxent River, Naval Support Activity Annapolis, Naval Support Activity Bethesda, Naval Support Activity Pax River, and Naval Support Activity South Potomac. Nine of these installations have executed an MOU, while one, NSA Bethesda (including Walter Reed Army Medical Center Forest Glen and Glen Haven) has not.

An exhaustive review of 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 the department of social services to report child abuse cases that occur when a family lives off post. They describe it 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.

Inconsistent execution of MOUs is demonstrated in the MOU developed between the Aberdeen Proving Ground (APR) and the Harford County DSS, or “HCDSS”, which 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.

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 therefore not afforded the opportunity to receive immediate resources, treatment and support.

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) 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.”*

Establishing a required MOU between the state the military family advocacy program (FAP) for the sharing of reciprocal information through state statute serves to support the establishment and ongoing collaboration between local social services offices and FAPs statewide.

To streamline information sharing and have the state statute fully supporting the federal statute is the goal of this legislation and I fully encourage a favorable report on HB 646.