



Key Message

Federal law requires the Department of Defense to address child abuse and neglect within the military. States can protect victims by coordinating at the beginning of investigations and identifying the military-affiliation of victims or suspects.

Analysis

States can protect victims by requiring local child protective services to identify military families and develop reporting and information-sharing procedures with the department's Family Advocacy Program. 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 DOD.

This is not a military law enforcement matter, it is a victim advocacy measure to protect our most vulnerable. Information sharing between the DOD and local authorities must be accomplished at the start of an abuse/neglect investigation - not after adjudication. Best practice protections include these substantive points:

1. Require child protective service case workers to ask clients if they are associated with the military.
2. Provide child protective services the authority to share this information with the appropriate military authorities to facilitate a more consistent and authoritative approach to collaborative oversight while maintaining confidentiality.
3. Share this type of information at the onset of an investigation.

This statutory authority supports development of more consistent memoranda of understanding, allowing better coordination of local child welfare and military protective/rehabilitative services in support of military children and families.

Best Practices

1. Best practices for information sharing:

Washington State – Revised Code of Washington 26.44.030

<https://app.leg.wa.gov/rcw/default.aspx?cite=26.44.030>

“(22) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a Department of Defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.”



2. Best practices for memorandum of understanding requirements:

Maryland Family Law 5-707.5.

https://mgaleg.maryland.gov/2021RS/Chapters_noIn/CH_185_hb0646t.pdf

“(A) In this section, “Military Family Advocacy Program” means the program established by the United States Department of Defense to address child abuse and neglect and domestic abuse in military families.

“(B) A local department that has a United States military installation located within its jurisdiction shall enter into a memorandum of understanding with the military family advocacy program at the local military installation.

“(C) A memorandum of understanding under this section shall establish procedures and protocols for:

- (1) Identifying an individual alleged to have committed abuse or neglect as military personnel;
- (2) Reporting by a local department to a military Family Advocacy Program when an investigation implicating military personnel has been initiated; and
- (3) Maintaining confidentiality requirements under state and federal law.”