



Key Message

Federal law requires the Defense Department to request state reports regarding instances of child abuse and neglect involving military family members. States can assist military Family Advocacy Programs in providing needed support by requiring child protective services to report cases to the military at the onset of their investigations.

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.

The precedence for sharing information is established in Title 10 United States Code, Section 1787, which directs the secretary of defense to request state reports of any known or suspected instances of child abuse and neglect in which the victim or suspect is a member of the armed forces (or the spouse of a member).

This is not a military law enforcement matter. It is a victim-advocacy measure to protect those who are most vulnerable. Information sharing between the DOD and local authorities must be done at the start of an abuse/neglect investigation – not after adjudication. Best practice protections include:

- Requiring child protective service case workers to ask clients if they are associated with the military.
- Providing child protective services the authority to share this information with the appropriate military authorities. Doing so facilitates a more consistent and authoritative approach to collaborative oversight while maintaining confidentiality.
- Sharing such information with the military 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, Title 26, Chapter 26.44, Section 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, Section 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.”