

May 7, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 21-53**

The purpose of this All County Letter is to provide county Child Welfare Services agencies with guidance on the passage of Senate Bill 907 (Chapter 233, Statutes of 2020), on the coordination of services between military installations and county child welfare departments during child welfare investigations involving families where at least one parent or guardian is an active duty member of the Armed Forces.



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

May 7, 2021

ALL COUNTY LETTER NO. 21-53

TO: ALL COUNTY WELFARE DIRECTORS  
ALL EMERGENCY RESPONSE STAFF  
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL CHIEF PROBATION OFFICERS

SUBJECT: SENATE BILL (SB) 907: CHILD ABUSE OR NEGLECT  
INVESTIGATIONS INVOLVING MILITARY FAMILIES

REFERENCE: [SENATE BILL \(SB\) 907 \(CHAPTER 233, STATUTES OF 2020\);](#)  
[PUBLIC LAW 114-328; UNITED STATES \(US\) CODE, TITLE 10,](#)  
[SECTION 1787; DEPARTMENT OF DEFENSE INSTRUCTION](#)  
[6400.01; CHILD WELFARE SERVICES MANUAL OF POLICIES](#)  
[AND PROCEDURES DIVISION 31-105; PENAL CODE \(PC\)](#)  
[11167.5; WELFARE AND INSTITUTIONS \(WIC\) CODE SECTION](#)  
[328.1](#)

The purpose of this All County Letter (ACL) is to provide county Child Welfare Services (CWS) agencies with guidance on the passage of Senate Bill (SB) 907 (Chapter 233, Statutes of 2020), on the coordination of services between military installations and county child welfare departments during child welfare investigations involving families where at least one parent or guardian is an active duty member of the United States Armed Forces.

## BACKGROUND

California is home to 41 military installations located in 21 different counties, many of which include on-installation housing for military personnel and their families. In 2016, the National Defense Authorization Act for Fiscal Year 2017 ([P.L. 114-328](#)) was passed, requiring all Department of Defense (DoD) personnel who are covered professionals to report suspected child maltreatment that occurred in the family or home of a service member to the state's CWS agency, law enforcement, and a Family Advocacy Program (FAP). Additionally, [Section 1787 of Title 10 of the United States \(US\) Code](#), requires the Secretary of Defense to request that each state provide to the

Secretary any report received of known or suspected instances of child abuse or neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member). This information is currently reported to the Administration for Children and Families in the annual National Child Abuse and Neglect Data System (NCANDS) report. The report provided for NCANDS is in reference to a Military Family Member, which is defined as a legal dependent of a person on active duty in the Armed Services of the United States (Army, National Guard, Marine Corps, Navy, Coast Guard, Air Force, or Activated Reserves). When referencing active duty, this refers to the status of the parent at the time of the report or during the investigation. Children of members of the Inactive Reserves, Inactive California Military Department, or retired military members are not included.

In 2018, the state's [Integrated Core Practice Model](#) (ICPM) for Children, Youth, and Families was significantly enhanced, establishing evidence-informed guidance and principle-based practices around effective engagement, assessment, service planning and delivery, monitoring of care, and transition management. A major focus of the ICPM centers around engagement, relationships, and partnerships between CWS agencies and other community groups and service providers. The collaboration between CWS agencies and military installations is an important partnership and aligns with the ICPM values and principles. Both the CWS agency and the military installation will benefit from working together toward the common goal of addressing the needs of military families and ensuring the safety of their children, during investigations, interventions, and referrals to necessary programs and services.

## **SB 907**

The passage of [SB 907](#) adds [Section 328.1](#) to the Welfare and Institutions Code, effective January 1, 2021. This section *requires* a county child welfare department investigating referrals of child abuse or neglect involving an allegation against the parent or guardian of the child *to determine, as soon as practicable, if the parent or guardian is an active duty member of the Armed Forces of the United States*. For the purposes of this letter, military installations are inclusive of all [Branches](#) of the military, which include:

- Army
- California Military Department (National Guard)
- Marine Corps
- Navy
- Coast Guard
- Air Force

When a referral is received at the Child Welfare Hotline alleging child maltreatment, CWS agencies gather as much information as possible from the reporting party by completing the Emergency Response Protocol process ([CWS Manual of Policies and Procedures Division 31-105](#)). Inquiring at the Hotline about personal information regarding the family – such as home address or current location, family members, including location of absent parent (when applicable), support systems, and any other information regarding family characteristics, including whether the caller knows if one or both parents are active duty service members – are all indicators that can help the county determine whether or not the parent or guardian involved in an allegation is an active duty service member. If this cannot be determined during the Hotline call and the referral is assigned for an in-person investigation, gathering additional information to determine if the parent is an active duty service member at the initial in-person visit is important to ensure these families all receive eligible services. Documenting the military status of the parents can be entered on the Demographics tab in the Client Notebook section in the Child Welfare Services Case Management System (CWS/CMS). Additional information, if known, can be entered in the comment box (e.g., branch of military).

Additionally, the statute *authorizes* county CWS agencies to develop and adopt a Memorandum of Understanding (MOU) with military installations, located in part or within the county's jurisdiction, that would govern investigations of allegations of child abuse or neglect against active duty service members assigned to units on those installations. [Section 328.1](#) of WIC does not limit or change the responsibilities of county CWS agencies with respect to investigations of, or responses to, allegations of abuse or neglect.

## **FAMILY ADVOCACY PROGRAM (FAP)**

The FAP is an advocacy program under the DoD designated to address domestic abuse, child abuse and neglect, and problematic sexual behavior in children and youth. The FAP services are available at every military installation where families are located. Services provided by the FAP include: New Parent Support Program mentoring, relationship/marriage counseling, anger/conflict management, family resiliency workshops, clinical intervention, and victim advocates. Military service members are also eligible to receive Military One Source/Military Family Life Counselors (MFLC) and Families Over Coming Under Stress (F.O.C.U.S.) parent training, which are additional federal programs that FAP partners with to provide services.

The FAP works collaboratively with multiple military departments and civilian agencies, including local county CWS agencies, to prevent abuse, encourage early identification and prompt reporting of child/family maltreatment, promote victim safety and empowerment, and provide appropriate treatment for affected service members and their families. Building local relationships with FAPs increases the opportunity to access

services and supports available to military families to keep children safe from abuse, neglect, and exploitation.

## **CREATING A MEMORANDA OF UNDERSTANDING (MOU)**

Building community partnerships, including with FAPs, helps county CWS agencies be more aware of the unique experiences and situations of military families that may affect the prevention of, and response to, child maltreatment. In fact, [DoD policy \(Department of Defense Instruction 6400.01\)](#) requires military installation FAPs to seek to establish an MOU with state and local child welfare services and, to collaborate on the oversight of cases involving military families. The SB 907 clarifies that counties are authorized to enter such MOUs. Establishing an MOU can benefit military families by making preventative and rehabilitative services available during all stages of ongoing investigations. Creating an MOU can also help bridge the relationship between the county and military installations within the county. An MOU may include, but is not limited to, the following:

- To whom, how, and when each party would report information about an investigation.
- Protocols for county child welfare staff to contact military staff and/or enter a military installation during an investigation.
- Each party's role and responsibilities when investigating, and in providing child maltreatment prevention or rehabilitative services to a family, in response to the results of the investigation, consistent with state and federal law.
- Protocols describing what, if any, confidential information may be shared between the parties and for what purposes, in accordance with applicable state and federal law.

While it is required for the FAP to attempt to enter into an MOU with the county CWS agency, it is optional for the county. Counties are encouraged to partner in developing and entering into an MOU with the FAP as these MOU's can assist both the FAP and the county child welfare agencies in understanding and responding to specific local conditions, such as county and installation-specific standard operating procedures (i.e., who to contact on the military installation, when to contact, the process for obtaining access to the installation, etc.), multi-Service or installation presence within a county, and local military and community resources available. It is important to note that CWS agencies are not precluded from working with installation FAPs in the absence of an MOU, or while the development or finalization of an MOU is taking place, consistent with existing state and federal laws.

The Administration for Children and Families issued the guide, [Community Partnerships: Improving the Response to Child Maltreatment](#), which includes helpful information on

developing MOU's. Given the density of military families in certain counties several county CWS agencies (San Diego, San Bernardino, Mono, Ventura, and Solano) have existing MOUs which can be helpful examples when developing language for an MOU.

## **CONFIDENTIALITY**

Developing an MOU with a FAP provides an opportunity to coordinate the identification, prevention, and treatment of child abuse and neglect and better meet the needs of military families. MOUs may include appropriate protocols for the sharing of confidential information between the county CWS agency and military installation, consistent with existing state and federal laws. Military employers are not required to be informed of allegations against military personnel.

If a county is interested in seeing an example of an MOU or would benefit from additional technical assistance and would like to be connected to a county who has an existing MOU, and for any other questions, please contact the Child Welfare Policy and Program Development Bureau at (916) 651-6160 or at [childprotection@dss.ca.gov](mailto:childprotection@dss.ca.gov).

Sincerely,

### ***Original Document Signed By:***

ANGIE SCHWARTZ  
Deputy Director  
Children and Family Services Division

c: County Welfare Directors Association