

tate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 331.)

§ 1786. Dependent student travel within the United States

Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 331.)

§ 1787. Reporting of child abuse

(a) IN GENERAL.—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).

(b) DEFINITION.—In this section, the term “child abuse and neglect” has the meaning provided in section 3 of the Child Abuse Prevention and Treatment Act (Public Law 93-247; 42 U.S.C. 5101 note).

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 331; amended Pub. L. 112-239, div. A, title X, § 1076(d)(2), Jan. 2, 2013, 126 Stat. 1951.)

Editorial Notes

AMENDMENTS

2013—Subsec. (b). Pub. L. 112-239 substituted “section 3” for “section 3(1)” and “Public Law 93-247; 42 U.S.C. 5101 note” for “42 U.S.C. 5102”.

Statutory Notes and Related Subsidiaries

IMPROVEMENTS TO DEPARTMENT OF DEFENSE TRACKING OF AND RESPONSE TO INCIDENTS OF CHILD ABUSE, ADULT CRIMES AGAINST CHILDREN, AND SERIOUS HARMFUL BEHAVIOR BETWEEN CHILDREN AND YOUTH INVOLVING MILITARY DEPENDENTS ON MILITARY INSTALLATIONS

Pub. L. 116-283, div. A, title V, § 549B, Jan. 1, 2021, 134 Stat. 3621, provided that:

“(a) IMPROVEMENTS REQUIRED.—

“(1) IN GENERAL.—The Secretary of Defense shall, consistent with recommendations of the Comptroller General of the United States in Government Accountability Office report GAO-20-110, take actions in accordance with this section in order to improve the efforts of the Department of Defense to track and respond to incidents of serious harm to children involving dependents of members of the Armed Forces that occur on military installations (in this section referred to as ‘covered incidents of serious harm to children’).

“(2) SERIOUS HARM TO CHILDREN DEFINED.—In this section, the term ‘serious harm to children’ includes the following:

“(A) Caregiver child abuse involving physical abuse, sexual abuse, emotional abuse, or neglect.

“(B) Non-caregiver adult crimes against children.

“(C) Serious harmful behaviors between children and youth of a physical, sexual, or emotional nature.

“(b) DATA COLLECTION AND TRACKING OF INCIDENTS OF HARM TO CHILDREN.—

“(1) NON-CAREGIVER ADULT CRIMES AGAINST CHILDREN.—The Secretary of Defense shall establish a process for the Department of Defense to track reported covered incidents of serious harm to children described in subsection (a)(2)(B) in which the alleged offender is an adult who is not a parent, guardian, or someone in a caregiving role at the time of the incident. The information so tracked shall comport with the information tracked by the Department in reported covered incidents of serious harm to children in which the alleged offender is a parent, guardian, or someone in a caregiving role at the time of the incident.

“(2) SERIOUS HARMFUL BEHAVIORS BETWEEN CHILDREN AND YOUTH.—

“(A) IN GENERAL.—The Secretary of Defense shall develop and maintain in the Department of Defense a centralized database to track incidents of serious harmful behaviors between children and youth described in subsection (a)(2)(C), including information across the Department on problematic sexual behavior in children and youth that are reported to an appropriate office, as determined by the Secretary, or investigated by a military criminal investigative organization, regardless of whether the alleged offender was another child, an adult, or someone in a non-caregiving role at the time of an incident.

“(B) ELEMENTS.—The centralized database required by this paragraph shall include, for each incident within the database, the following:

“(i) Information pertinent to a determination by the Department on whether such incident meets the definition of an incident of serious harmful behavior between children and youth.

“(ii) The results of any investigation of such incident by a military criminal investigative organization.

“(iii) Information on the ultimate disposition of the incident, if any, including any administrative or prosecutorial action taken.

“(C) ANNUAL REPORTS ON INFORMATION.—The information collected and maintained in the centralized database required by this paragraph shall be reported on an annual basis as part of the annual reports by the Secretary on child abuse and domestic abuse in the military as required by section 574 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2141).

“(D) BRIEFINGS.—Not later than March 31, 2021, and every six months thereafter until the centralized database required by this paragraph is fully operational, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the status of the database.

“(3) DEPARTMENT OF DEFENSE REPORTING GUIDANCE.—The Secretary of Defense shall issue guidance regarding which incidents of serious harmful behavior between children and youth require reporting to the Family Advocacy Program, a military criminal investigative organization, or another component of the Department of Defense designated by the Secretary.

“(C) RESPONSE PROCEDURES FOR INCIDENTS OF SERIOUS HARM TO CHILDREN REPORTED TO FAMILY ADVOCACY PROGRAMS.—

“(1) INCIDENT DETERMINATION COMMITTEE MEMBERSHIP.—The Secretary of Defense shall ensure that the voting membership of each Incident Determination

Committee, as defined in paragraph (7), on a military installation includes medical personnel with the knowledge and expertise required to determine whether a reported incident of serious harm to a child meets the criteria of the Department of Defense for treatment as child abuse.

“(2) SCREENING REPORTED INCIDENTS OF SERIOUS HARM TO CHILDREN.—

“(A) DEVELOPMENT OF STANDARDIZED PROCESS.—The Secretary of Defense shall develop a standardized process by which the Family Advocacy Programs of the military departments screen reported covered incidents of serious harm to children to determine whether to present such incident to an Incident Determination Committee.

“(B) MONITORING.—The Secretary of each military department shall develop a process to monitor the manner in which reported incidents of serious harm to children are screened by each installation under the jurisdiction of such Secretary in order to ensure that such screening complies with the standardized screening process developed pursuant to subparagraph (A).

“(3) REQUIRED NOTIFICATIONS.—

“(A) DOCUMENTATION.—The Secretary of each military department shall require that installation Family Advocacy Programs and military criminal investigative organizations under the jurisdiction of such Secretary document in their respective databases the date on which they notified the other of a reported incident of serious harm to a child.

“(B) OVERSIGHT.—The Secretary of each military department shall require that the Family Advocacy Program of such military department, and the headquarters of the military criminal investigative organizations of such military department, develop processes to oversee the documentation of notifications required by subparagraph (A) in order to ensure that such notifications occur on a consistent basis at installation level.

“(4) CERTIFIED PEDIATRIC SEXUAL ASSAULT FORENSIC EXAMINERS.—

“(A) GEOGRAPHIC REGIONS FOR EXAMINERS.—The Secretary of Defense shall specify geographic regions in which military families reside for purposes of the availability of and access to certified pediatric sexual assault examiners in such regions.

“(B) AVAILABILITY.—The Secretary shall ensure that—

“(i) one or more certified pediatric sexual assault examiners are located in each geographic region specified pursuant to subparagraph (A); and

“(ii) examiners so located serve as certified pediatric sexual assault examiners throughout such region, without regard to Armed Force or installation.

“(5) REMOVAL OF CHILDREN FROM UNSAFE HOMES OVERSEAS.—The Secretary of Defense shall issue policy that clarifies and standardizes across the Armed Forces the circumstances under which a commander may remove a child from a potentially unsafe home at an installation overseas.

“(6) RESOURCE GUIDE FOR VICTIMS OF SERIOUS HARM TO CHILDREN.—

“(A) IN GENERAL.—The Secretary of each military department shall develop and maintain a comprehensive guide on resources available through the Department of Defense and such military department for military families under the jurisdiction of such Secretary who are victims of serious harm to children.

“(B) ELEMENTS.—Each guide under this paragraph shall include the following:

“(i) Information on the response processes of the Family Advocacy Programs and military criminal investigative organizations of the military department concerned.

“(ii) Lists of available support services, such as legal, medical, and victim advocacy services,

through the Department of Defense and the military department concerned.

“(C) DISTRIBUTION.—A resource guide under this paragraph shall be presented to a military family by an installation Family Advocacy Program and military criminal investigative personnel when a covered incident of serious harm to a child involving a child in such family is reported.

“(D) AVAILABILITY ON INTERNET.—A current version of each resource guide under this paragraph shall be available to the public on an Internet website of the military department concerned available to the public.

“(7) INCIDENT DETERMINATION COMMITTEE DEFINED.—In this subsection, the term ‘Incident Determination Committee’ means a committee established at a military installation that is responsible for reviewing reported incidents of child abuse and determining whether such incidents constitute serious harm to children according to the applicable criteria of the Department of Defense.

“(d) COORDINATION AND COLLABORATION WITH NON-MILITARY RESOURCES.—

“(1) CONSULTATION WITH STATES.—The Secretary of Defense shall—

“(A) continue the outreach efforts of the Department of Defense to the States in order to ensure that States are notified when a member of the Armed Forces or a military dependent is involved in a reported incident of serious harm to a child off a military installation; and

“(B) increase efforts at information sharing between the Department and the States on such incidents of serious harm to children, including entry into memoranda of understanding with State child welfare agencies on information sharing in connection with such incidents.

“(2) COLLABORATION WITH NATIONAL CHILDREN’S ALLIANCE.—

“(A) MEMORANDA OF UNDERSTANDING.—The Secretary of each military department shall seek to enter into a memorandum of understanding with the National Children’s Alliance, or similar organization, under which—

“(i) the children’s advocacy center services of the Alliance are available to all installations in the continental United States under the jurisdiction of such Secretary; and

“(ii) members of the Armed Forces under the jurisdiction of such Secretary are made aware of the nature and availability of such services.

“(B) PARTICIPATION OF CERTAIN ENTITIES.—Each memorandum of understanding under this paragraph shall provide for the appropriate participation of the Family Advocacy Program and military criminal investigative organizations of the military department concerned in activities under such memorandum of understanding.

“(C) BRIEFING.—Not later than one year after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of each military department shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the development of a memorandum of understanding with the National Children’s Alliance under this paragraph, together with information on which installations, if any, under the jurisdiction of such Secretary have entered into a written agreement with a local children’s advocacy center with respect to serious harm to children on such installations.”

REPORTING ON ALLEGATIONS OF CHILD ABUSE IN MILITARY FAMILIES AND HOMES

Pub. L. 114-328, div. A, title V, §575(a), Dec. 23, 2016, 130 Stat. 2142, provided that:

“(a) REPORTS TO FAMILY ADVOCACY PROGRAM OFFICES.—

“(1) IN GENERAL.—The following information shall be reported immediately to the Family Advocacy

Program office at the military installation to which the member of the Armed Forces concerned is assigned:

“(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

“(B) Information, learned by a member of the Armed Forces engaged in a profession or activity described in section 226(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(b)) [now 34 U.S.C. 20341(b)] for members of the Armed Forces and their dependents, that gives reason to suspect that a child in the family or home of the member has suffered an incident of child abuse.

“(2) REGULATIONS.—The Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.

“(3) CHILD ABUSE DEFINED.—In this subsection, the term ‘child abuse’ has the meaning given that term in section 226(c) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(c)) [now 34 U.S.C. 20341(c)].”

PLAN FOR IMPLEMENTATION OF ACCREDITATION REQUIREMENT

Pub. L. 104-106, div. A, title V, § 568(c), Feb. 10, 1996, 110 Stat. 335, directed Secretary of Defense to submit to Congress, not later than Apr. 1, 1997, a plan for carrying out the requirements of this section.

§ 1788. Additional family assistance

(a) AUTHORITY.—The Secretary of Defense may provide for the families of members of the armed forces serving on active duty, in addition to any other assistance available for such families, any assistance that the Secretary considers appropriate to ensure that the children of such members obtain needed child care, education, and other youth services.

(b) PRIMARY PURPOSE OF ASSISTANCE.—The assistance authorized by this section should be directed primarily toward providing needed family support, including child care, education, and other youth services, for children of members of the armed forces who are deployed, assigned to duty, or ordered to active duty in connection with a contingency operation.

(Added Pub. L. 107-314, div. A, title VI, § 652(a)(1), Dec. 2, 2002, 116 Stat. 2581; amended Pub. L. 111-383, div. A, title X, § 1075(b)(25), Jan. 7, 2011, 124 Stat. 4370.)

Editorial Notes

AMENDMENTS

2011—Subsec. (b). Pub. L. 111-383 substituted “armed forces” for “Armed Forces”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 107-314, div. A, title VI, § 652(b), Dec. 2, 2002, 116 Stat. 2581, provided that: “Section 1788 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.”

PILOT PROGRAM FOR MILITARY FAMILIES: PREVENTION OF CHILD ABUSE AND TRAINING ON SAFE CHILDCARE PRACTICES

Pub. L. 115-232, div. A, title V, § 578, Aug. 13, 2018, 132 Stat. 1783, provided that:

“(a) PILOT PROGRAM.—

“(1) PURPOSE.—In order to reduce child abuse and fatalities due to abuse or neglect in covered households, the Secretary of Defense, acting through the Defense Health Agency, shall carry out a pilot program to—

“(A) provide information regarding safe childcare practices to covered households;

“(B) identify and assess risk factors for child abuse in covered households; and

“(C) facilitate connections between covered households and community resources.

“(2) PROHIBITION ON DELEGATION.—The Secretary may not carry out the pilot program through the Family Advocacy Program.

“(3) LOCATIONS.—The Secretary shall carry out the pilot program at no fewer than five military installations that reflect a range of characteristics including the following:

“(A) Urban location.

“(B) Rural location.

“(C) Large population.

“(D) Small population.

“(E) High incidence of child abuse, neglect, or both.

“(F) Low incidence of child abuse, neglect, or both.

“(G) Presence of a hospital or clinic.

“(H) Lack of a hospital or clinic.

“(I) Joint installation.

“(J) Serving only one Armed Force.

“(4) TERM.—The pilot program shall terminate two years after implementation.

“(5) DESIGN.—The Secretary shall design the pilot program in consultation with military family groups to respond to the needs of covered households.

“(6) ELEMENTS.—The pilot program shall include the following elements:

“(A) Postnatal services, including screening to identify family needs and potential risk factors, and make referrals to appropriate community services with the use of the electronic data described in subparagraphs (F) and (G).

“(B) The Secretary shall identify at least three approaches to screening, identification, and referral under subparagraph (A) that empirically improve outcomes for parents and infants.

“(C) Services and resources designed for a covered household by the Secretary after considering the information gained from the screening and identification under subparagraph (A). Such services and resources may include or address the following:

“(i) General maternal and infant health exam.

“(ii) Safe sleeping environments.

“(iii) Feeding and bathing.

“(iv) Adequate child supervision.

“(v) Common hazards.

“(vi) Self-care.

“(vii) Postpartum depression, substance abuse, or domestic violence.

“(viii) Community violence.

“(ix) Skills for management of infant crying.

“(x) Other positive parenting skills and practices.

“(xi) The importance of participating in ongoing healthcare for an infant and for treating postpartum depression.

“(xii) Finding, qualifying for, and participating in available community resources with respect to infant care, childcare, parenting support, and home visits.

“(xiii) Planning for parenting or guardianship of children during deployment and reintegration.

“(xiv) Such other matters as the Secretary, in consultation with military families, considers appropriate.

“(D) Home visits to provide support, screening and referral services shall be offered as needed. The number of visits offered shall be guided by parental interest and family need, but in general is expected to be no more than three.