



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON, PRESIDIO OF MONTEREY
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MEMORANDUM OF UNDERSTANDING
BETWEEN
U.S. ARMY GARRISON, PRESIDIO OF MONTEREY,
CALIFORNIA MEDICAL DETACHMENT
AND
MONTEREY COUNTY DEPARTMENT OF SOCIAL SERVICES, CHILD PROTECTIVE
SERVICES

Subject: Memorandum of Understanding with Monterey County Department of Social Services, Child Protective Services

1. References:

- (a) Department of Defense Instruction (DoDI) 6400.01, Family Advocacy Program, May 1, 2019
- (b) DoD Instruction 4000.19, Support Agreements, 16 December 2020
- (c) Army Regulation 608-18, Army Family Advocacy Program, September 13, 2011
- (d) Public Law 115-232 (NDAA for FY19), Section 1089
- (e) California Welfare and Institutions Code Section 300
- (f) The Abuse Prevention and Treatment Act, 42 U.S.C. 5101
- (g) The Education for All Handicapped Children Act of 1985, 20 U.S.C. 1412
- (h) Correction of Youthful Offenders Act, 18 U.S.C. 5001

2. Purpose. This Memorandum of Understanding (MOU) establishes written procedures to integrate the exercise of Jurisdiction vested in Monterey County (COUNTY), California Medical Detachment (CAL MED) and the U.S. Army Garrison Presidio of Monterey (USAG POM) in matters involving the protection of abused/neglected children within the USAG POM military community.

3. Scope. This MOU applies to Monterey County Department of Social Services (DSS), CAL MED and USAG POM personnel involved in the reporting, investigation, assessment and treatment of child abuse and neglect. This MOU applies to any active duty and their family members who fall under the purview of the Presidio of Monterey.

4. Understandings, Agreements and Support, and Resource Needs.

a. General. This MOU supersedes all previous agreements and MOUs between the COUNTY, CAL MED and POM pertaining to the protection of children of military families who are the subject of child abuse and child neglect. This MOU does not purport to create new or additional jurisdiction nor to limit or modify the existing jurisdiction vested in the parties. This MOU does not document, provide for, or commit to the exchange of funds or personnel between the parties.

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b. Authority.

(1) DSS, under the authority granted by California Welfare and Institutions Code Secs. 300 et seq, is responsible for the protection of abused children within Monterey County.

(2) The Garrison Commander (GC), USAG POM, by virtue of his/her inherent authority as commander, and through the specific authority granted to him/her under Army Regulation (AR) 608-18, is responsible for the protection of abused children of military families within his/her command, as well as maintaining law, order and discipline on the installation. The GC's ability to exercise that authority to provide protection for children of military families is limited, however, by the lack of a federal judicial framework in which the protection of children can be adjudicated and in which appropriate, judicially managed remedies can be mandated. The POM, relies upon the applicable State of California laws and institutional systems, as well as the California State Superior Court in and for Monterey County, when necessary for the protection of children, in cases of abused and neglected children of military families. The exercise of the Superior Court's jurisdiction in cases of child abuse arising on the installation is supported by congressional deference to and reliance upon state child-related statutes and by developing case law which upholds the exercise of state civil jurisdiction within areas of exclusive federal legislative jurisdiction, where that exercise of state authority, as is contemplated by this MOU, will not undermine federal sovereignty.

c. Definitions. For the purpose of this agreement, the following definitions apply.

(1) The California State Superior Court is the court empowered with original jurisdiction to adjudicate child abuse cases in Monterey County.

(2) The Monterey County DSS is the civilian agency primarily responsible for the intake, investigation, and management of child abuse cases in Monterey County, where there is, or appears to be, a need to remove a child from a parent or guardian or to provide supervision over the welfare of the child in order to protect the child from further abuse or neglect.

(3) The CAL MED Family Advocacy Program Clinical Social Worker (FAP Clinical SW) is responsible for intake and intervention for all child abuse and neglect cases concerning military personnel and family members. The FAP Clinical SW will work collaboratively with CPS on immediate response and safety planning when a report is received of child abuse and neglect.

(4) The Reporting Point of Contact (RPOC) is the person or location on the installation designated to receive all reports of intimate partner abuse and child abuse/neglect occurring on or off the installation. The RPOC notifies all agencies required to be notified in accordance with regulations and this MOU. The POM Police Department (POM PD) is the designated RPOC for the POM, 831-242-7852.

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(5) All branches of the military have a FAP program, as established by DoD Instruction 6400.01. The POM FAP program is responsible for all Army and Air Force cases. The POM Family Advocacy Program (FAP) is also regulated by the Army guidelines, established by AR 608-18, designed to promote the growth, development and general welfare of children of Army families by coordinating human services provided to such children and by interceding on their behalf when necessary.

(6) The Incident Determination Committee (IDC) is a multi-disciplinary team (MDT) appointed by the GC and supervised by the CAL MED Commander to handle cases of military children and families where children have been, or are suspected of having been, abused. The IDC coordinates medical, law enforcement, and social services reporting, identification, and treatment functions and command intervention from initial report of child abuse/neglect to case closure. A DSS supervisor, manager or designee may be called upon for information for the IDC regarding any joint cases. A DSS supervisor or worker may attend the IDC meeting as needed on a case-by-case basis. The IDC constitutes a MDT as defined in the California Welfare and Institution Code.

(7) The POM PD will coordinate all law enforcement activity on POM. The POM PD is primarily responsible for investigating crimes involving abuse on the installation. The POM PD coordinates such investigations with the U.S. Army Criminal Investigation Command (CID) and federal and state law enforcement authorities, as appropriate.

(8) Child abuse, is defined by California Welfare and Institutions Code Section 300, and includes, but is not limited to, child sexual abuse, child physical abuse, child neglect, and child emotional abuse. It pertains to the maltreatment of a child under the age of eighteen, by a person (including any employee of a residential facility or any staff person providing out-of-home care) who is responsible for the child's welfare, under circumstances that indicate that the child's health or welfare is harmed or threatened. Child abuse, as that term is used in the MOU, also includes child abuse or neglect as defined in California Penal Code Sec. 11165.6, when such acts are committed by such a person who is responsible for the child's welfare.

(9) Off-post incident is an act of child abuse involving a military family that occurs beyond the boundaries of POM, Ord Military Community (OMC) and La Mesa Military Housing Area, yet still within the jurisdiction of Monterey County.

(10) On-post incident is an act of child abuse involving a military family that occurs within the geographic or jurisdictional boundaries of POM, OMC, or that is referred to POM from sources within or outside the jurisdiction of Monterey County.

(11) Military-related incident is an act of child abuse within Monterey County, not involving a child of a military family, but nevertheless of interest to the POM authorities by virtue of the military status of the alleged abuser or the occurrence of the incident within the boundaries of POM.

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(12) A dependent child of a military family is a person under the age of 18, who is a natural or adopted child, stepchild or otherwise in the legal custody of, any retired or active duty Soldier or Airman.

(13) The POM refers to all military installations under the authority of the USAG POM GC.

(14) The Family Advocacy Committee (FAC) is a multi-disciplinary team appointed by the GC to advise on matters involving the installation's FAP programs and procedures.

d. Reporting and Notification Requirements.

(1) Every Service Member, Military Dependent and Civilian Employee of the military community shall report to the RPOC information about known or suspected cases of child abuse/neglect involving military personnel, a military family, or a dependent child of a military family.

(2) In the case of suspected child abuse/neglect, occurring on or off the installation, involving military personnel or child dependents of military personnel reported to DSS, DSS will contact the RPOC. The RPOC will ensure that the following agencies are immediately notified: Family Advocacy, the Office of the Staff Judge Advocate, Military Justice Division, and/or CID.

(3) When suspected abuse identified by Monterey Peninsula Unified School District (MPUSD) personnel is reported by MPUSD directly to DSS, DSS will conduct the initial interview with the child. If DSS determines that the child is a dependent of military personnel, DSS will continue with the assessment interview and, as soon as practical, contact the RPOC.

(4) In the case of an on-post incident of child abuse/neglect, not already known to DSS, the CAL MED FAP Clinical Social Worker/mandated reporter will call DSS and complete a Suspected Child Abuse Report (Form SS 8572) and send it within 36 hours to DSS. Alternatively, this report may be filed on-line at the DSS website.

(5) In the case of an off-post incident of child abuse/neglect, not already known to DSS, the CAL MED FAP Clinical Social Worker/mandated reporter will call DSS and complete a Suspected Child Abuse Report (Form SS 8572) and send it within 36 hours to DSS. Alternatively, this report may be filed on-line at the DSS website.

(6) The CAL MED FAP Clinical Social Worker will complete a Department of Defense Central Registry Check for the alleged perpetrator and victims(s). A social security number is required to complete this check. The results of the checks will be reported by the CAL MED FAP Clinical Social Worker to DSS.

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(7) DSS and the CAL MED FAP Clinical Social Worker will coordinate information on all Child/Neglect cases investigated by DSS involving POM military personnel and their family members, to include providing each other with monthly status reports on each family to which DSS is providing services. A DSS representative may be invited to attend CRC (Case Review Committee)/IDC and Problematic Sexual Behavior (PSB) –Child Youth (CY) meetings when DSS is involved in a case scheduled for presentation or review. The CAL MED FAP Clinical Social Worker may attend Monterey County’s Multi-Disciplinary Team (MDT) decision meetings regarding cases involving a military family for the purpose of reviewing cases involving military personnel and their family members. Each agency will exchange case review schedules at least one week prior to meeting so that case managers have sufficient time to prepare their case reviews.

(8) All reports and information, if deemed confidential by the providing authority’s law or regulation, will be treated as confidential by the receiving agency or department.

(9) Disclosure of information/reports involving child abuse/neglect to the media will follow procedures established in federal and state law, military regulations and agency policies. Applicable Federal and State law makes all such information confidential and prohibits the disclosure of such information to the public or to the media without a court order specifically authorizing such disclosure. The Family Advocacy Manager will consult with the Staff Judge Advocate and the Public Affairs Officer prior to any public or media disclosure.

e. Intake Procedures.

(1) The primary purpose of an investigation is to gather evidence in a timely and lawful manner, to provide for the protection of the child/children, and to determine if further involvement by DSS and/or FAP is warranted. The DSS and the CAL MED FAP Clinical Social Worker share joint responsibility for the intake of information about child abuse/ neglect involving military families. Social workers, law enforcement personnel, and medical personnel share an interest in a prompt and full investigation of all reports of abuse/neglect. This MOU mandates a cooperative investigative effort between civilian and military authorities in conducting investigations in a manner that is consistent with existing Federal and State statutes, regulations and policy.

(2) Off-post incidents will be investigated by DSS and civilian law enforcement agencies with assistance by other civilian authorities, where appropriate. When requested, and upon approval of the Chief of Behavioral Health, or designee, the CAL MED FAP Clinical Social Worker may assist in assessment of an off-post incident involving military personnel and their family members. DSS will keep the CAL MED FAP Clinical Social Worker informed of all cases involving military personnel or military child dependents to the full extent permitted by law. The CAL MED FAP Clinical Social Worker will be promptly informed and invited to attend all scheduled child forensic interviews involving a military family conducted at the Sally P. Bates Child Advocacy Center.

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(3) Law enforcement (POM PD and/or CID) will initially respond to on-post incidents and consult with the on-call CAL MED FAP Clinical Social Worker at 831-242-6343 or 253-320-8395.

(a) If the situation does not warrant an immediate response, the CAL MED FAP Clinical Social Worker will begin the intake and assessment process on the next business day. The CAL MED FAP Clinical Social Worker will follow the standard procedures for case assessment.

(b) If the situation requires an immediate response, DSS will be contacted immediately to determine if emergency placement is needed.

(4) When DSS receives third party reports involving military family members, they will follow their standard protocol for assessing safety and response time.

(a) DSS will respond within 24 hours to reports that require an immediate emergency response (IER). If appropriate, DSS will contact POM PD for assistance. DSS will immediately forward this report to the RPOC. The RPOC will immediately forward the DSS report to POM PD investigations and the CAL MED FAP Clinical Social Worker. If POM investigations or the CAL MED FAP Clinical Social Worker requires additional information, they will contact the DSS.

(b) DSS will immediately refer reports that are assessed as a "10-day response" to the RPOC. The RPOC will immediately forward the DSS report to POM PD investigations and the CAL MED FAP Clinical Social Worker. The CAL MED FAP Clinical Social Worker will be primarily responsible for assessing these reports IAW AR 608-18 and MEDCOM PAM 608-1. POM PD, DSS and FAP will coordinate assessment and response. The CAL MED FAP Clinical Social Worker may make a request for a 10-day response directly to DSS.

(5) Medical examinations (other than for suspected sexual abuse) of military child dependents will be done at the CAL MED Gourley Pediatric Clinic, when possible. Under IAW AR 608-18, paragraph 3-16, parental consent is not required for the medical examination or treatment of a victim of child abuse in the military treatment facility when one or both of the parents are suspected of inflicting the abuse or concealing information about the abuse. Local community hospitals will be utilized when needed. When sexual abuse is suspected, the medical examination will be conducted at the Sally P. Archer Child Advocacy Center at Natividad Medical Center in accordance with the Child Abuse Response Team (CART) protocol.

(6) In accordance with AR 608-18, paragraph 3-20, a physician treating an abused child on a military installation may take the child into medical protective custody without parental consent and without a protective custody warrant only if the circumstances or condition of the child are such that allowing the child to remain in the care or custody of the parent presents imminent danger to the child's life or health. Danger is "imminent" if the condition presents a substantial likelihood of death, serious illness, personal injury, or substantial endangerment to the

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child. The treating physician will make the initial determination that medical protective custody is required. That determination is subject to approval by the CAL MED Commander following consultation with the supporting SJA. The CAL MED Commander will immediately notify the CAL MED FAP Clinical Social Worker if a child is placed in protective custody. In turn, the CAL MED FAP Clinical Social Worker will notify the law enforcement agency having jurisdiction in the case, the GC, or his/her chosen designee, and DSS so that the appropriate judicial or command action to protect the child following the period of medical protective custody can be implemented in a timely manner. Arrangements for admission to a civilian or other military hospital will be made since the CAL MED Pediatric Clinic does not have inpatient capability. The CAL MED FAP Clinical Social Worker will immediately inform the child's parents when the CAL MED Pediatric Clinic retains a child under protective custody.

f. Protection of Child Abuse and Neglect Victims of On-post Incidents.

(1) Law enforcement will immediately notify the CAL MED FAP Clinical Social Worker and the Family Advocacy Program Manager when children are placed in protective care.

(2) In situations where the removal of a child from an on-post home is warranted, the FAPM will immediately notify the GC of such action. The standard to be applied in determining whether to take protective custody of the child without a protective custody warrant is whether the child suffers from abuse or neglect by a parent to the extent that immediate removal from the home is necessary to avoid imminent danger to the child's life or health. Danger is "immediate" if it is likely to materialize before the alleged abuser is apprehended or questioned. Law enforcement personnel will contact the DSS, to arrange for emergency foster care placement. In order to comply with California statutes on the removal of children, on-post authorities (specifically, family advocacy and law enforcement personnel) will use California Department of Social Services (CDSS) documents and procedures to accomplish the removal. Coordination with the Office of the Staff Judge Advocate is required.

(3) DSS will arrange for the initiation of child protective custody proceedings and notify the parties of the hearing date and time.

g. Court Presentation.

(1) Presentation of cases involving protective custody to the California State Superior Court in and for Monterey County is the responsibility of DSS working with its attorneys serving as legal representatives.

(2) If necessary, subpoenas for the appearance of active duty military personnel living on-post and their records will be delivered to the POM PD and coordinated with the Staff Judge Advocate at the POM.

(3) If necessary, subpoenas for FAP Personnel and their records will be delivered to the POM PD and coordinated with the Presidio of Monterey Staff Judge Advocate.

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h. Treatment Programs.

(1) It is the policy of all parties to this MOU that, within budgeting, personnel and regulatory constraints, all available medical and social assets for use in treatment programs will be used. In all cases involving the abuse of children of military families, any assets of POM, which are available for use in treatment, may be integrated into DSS or court-mandated case plans. Each party will be responsible for their own personnel costs. Availability of assets will be determined by the CRC/IDC, with concurrence of the CAL MED Commander or the POM GC, or their designee.

(2) DSS shall exercise primary responsibility for the development and implementation of treatment plans for all off-post and military-related cases and for all on-post cases in which there is court involvement. The CAL MED FAP Clinical Social Worker shall exercise primary responsibility for all other on-post cases on a case-by case basis. Oversight authority for all or portions of a treatment program for all military families may be delegated by either primary responsible agency to the other with the concurrence of both, in the interests of program efficiency.

(3) In the event a FAP treatment program requires intervention by the California State Superior Court in and for Monterey County, DSS, working with its attorneys, will seek appropriate judicial remedies, including any necessary modifications to the existing treatment program and will assume primary responsibility for the implementation of any subsequent court-ordered case plan.

(4) Each agency will follow its own policy when transferring cases overseas or to other jurisdictions.

(5) If a military family is transferred into Monterey County and DSS or FAP become aware of unresolved child abuse/neglect issues in a prior location, a treatment program shall be initiated through FAP and DSS without the need for a new report and investigation. However, DSS cannot initiate court proceedings in this jurisdiction unless DSS is provided with, or obtains, sufficient information, by way of a report or investigation, to show that the circumstances presently exist that would justify jurisdiction under W&I Code Sec. 300.

i. Child Interviews. DSS, upon presenting proper identification, will have access to Child and Youth Services (CYS) programs for the purpose of interviewing or observing children who are, or are reported to be victims, of child abuse/neglect. Interviews will be conducted in accordance with DSS policies and procedures.

j. Records Access. Access to military records needed by Monterey County authorities for the investigation, processing, treatment or prosecution of child abuse cases will be made available by the appropriate records custodian at POM according to applicable law and

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regulations. Requests for Family Advocacy records should be made through the Commander, CAL MED, who in turn will arrange for the release of necessary information, as appropriate.

k. Reports. DSS will make monthly reports to the CRC on the status of all military related open cases. The CAL MED FAP Clinical Social Worker will make monthly reports to DSS on the status of any case in which DSS is involved.

l. Communications.

(1) Effective execution of this MOU can only be achieved through consistent and timely communication and through meaningful dialogue among and between the parties. It is, therefore, the policy of the participants of this MOU that access to all parties will remain open and appropriate channels of communication will be used whenever questions, misunderstandings or complaints arise. The POM Point of Contact (POC) is the ACS Family Advocacy Program Manager, 831-242-7653, 2218 Gigling Road, Bldg 4260, Seaside, CA 93955. The CAL MED POC is the Family Advocacy Program Supervisor, 831-242-7572, 473 Cabrillo St B422, Monterey, CA 93944. The DSS POC is the Program Manager, Emergency Response.

(2) To further communication and cooperation, a representative of DSS may be requested to participate in the Family Advocacy Committee upon invitation from the FAP Manager.

(3) To further communication and cooperation with local support agencies, the CAL MED FAP Manager may attend monthly, or as scheduled, appropriate Monterey County Child and Family Team (CFT) meetings.

5. Cancellation/Modification of MOU. Any party, upon receipt of a 180-day written notification, may cancel this MOU. Modification of the MOU shall be in writing and accomplished by mutual consent of the parties.

6. Effective date. This MOU will be effective when executed by all signatories below, and will remain in effect for no longer than 10 years or until cancelled or amended by any party. This agreement will be reviewed and validated by both parties no less often than five (5) years from the agreement effective date.

7. Funds and Manpower. This MOU neither documents nor provides for the exchange of funds or manpower between the Parties, nor does it make any commitment of funds or resources. No provision in this MOU will be interpreted to require obligation or payment of funds.

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LORI A. MEDINA
Director, Department of Social Services
Monterey County

(Date)

DocuSigned by:
Anne Breerton

ANNE BREERTON
Deputy County Counsel
Monterey County

6/5/2023 | 3:52 PM PDT

(Date)



SAMUEL W. KLINE
Colonel, U.S. Army
Commanding
U.S. Army Garrison, Presidio of Monterey

4 May 23

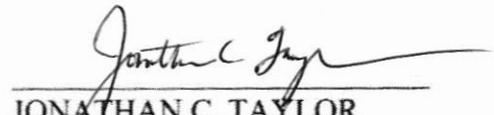
(Date)



KENNETH M. REED
Lieutenant Colonel, U.S. Army
Commanding
California Medical Detachment

4 May 2023

(Date)



JONATHAN C. TAYLOR
Colonel, U.S. Army
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(Date)