



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
750 PACIFIC HIGHWAY
SAN DIEGO CA 92132-0058

IN REPLY REFER TO:
N61014-20190801-3391

CNRSW
1752
Ser N9/
19 Oct 20

**MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, NAVY REGION SOUTHWEST
AND
MONTEREY COUNTY DEPARTMENT OF SOCIAL SERVICES**

Subj: COOPERATIVE PROTECTION FOR CHILDREN OF SERVICE MEMBERS

Ref: (a) California Penal Code §11166 (Child Abuse and Neglect Reporting Act)
(b) 5 U.S.C. § 552a (Federal Privacy Act)
(c) California Welfare and Institutions Code (WIC) sections 827, 830, 10850 and the California Rules of Court, rule 5.552 or relevant Court Order (WIC § 827 (a) (2) (A)).
(d) OPNAVINST 1752.2B
(e) California Penal Code § 11170 (b)(2)

- 1. Purpose.** The Monterey County Department of Social Services (DSS) and Commander, Navy Region Southwest (CNRSW), the provider of the Department of the Navy's (DON) child abuse and domestic violence services, enter into this Memorandum of Agreement (MOA).
- 2. Background.** CNRSW is responsible for the welfare and safety of all Navy personnel and their family members who reside in Monterey County. DSS's Family and Children's Services' (FCS) mission is to protect and prevent the abuse and neglect of children. The military relies on the services of DSS, which regularly provides support to children of Navy families who are, or are suspected of being, victims of abuse or neglect. DSS needs the full cooperation of military personnel to effectively perform its professional and statutory responsibilities.
- 3. Scope.** Military service family members are an important segment of the Monterey County community. There is a need to partner with military resources for the purposes of investigation, intervention, and to provide services to address the needs of military families. This MOA applies to referrals and cases involving military service personnel and their family members assigned to and residing in Monterey County. This MOA is created to establish an agreement regarding the investigation, protection, and possible treatment of child abuse and neglect victims and their families.

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4. Responsibilities.

a. CNRSW is responsible for:

(1) Fully cooperating with DSS in the disposition of incidents of suspected or confirmed child abuse and neglect.

(2) If an instance of child abuse or neglect is suspected or discovered within military installations or properties in Monterey County, the initiating following protocol, by CNRSW's licensed health providers who are mandated reporters, in accordance with reference (e):

(a) The Monterey County Child Abuse Hotline will be notified immediately via telephone by calling (831) 755-4661, and within 36 hours, a Suspected Child Abuse Form (SCAR SS8572) will be completed and sent to FCS in accordance with reference (a).

(b) CNRSW's Family Advocacy Program (FAP) staff are responsible for fulfilling military cross-reporting requirements as established through the FAP's notification procedures and will not impede the immediate report to and possible investigation by DSS.

(c) A victim/witness will be interviewed only once by a joint interview between DSS and the appropriate jurisdictional law enforcement agency. If additional interviews are required, those interviews will be coordinated through the assigned FCS Social Worker in cooperation with law enforcement or other investigating agency.

(3) If during a DSS representative's investigation of discovered or suspected child abuse or neglect, or while removing a child, a parent or other party becomes belligerent or attempts to interfere with the investigation or lawful removal of a child on CNRSW military bases, either CNRSW Naval Security Force - Police Branch (NSF), their designee, or parent command personnel are responsible for exercising appropriate military authority.

(4) CNRSW agrees to share information with DSS for the purpose of initial and ongoing investigations of child abuse and neglect.

(5) Provide FAP staff to attend regularly scheduled Clinical Case Staffing Meetings (CCSMs) to share information on the management of child abuse/neglect cases involving military families.

(6) Principally seek access to information regarding DSS child abuse and neglect investigations through requests by CNRSW FAP employees, Naval Criminal Investigative Service (NCIS), prosecuting and command staff judge advocates (JAGs), the federal equivalent of local civilian law enforcement and judicial agencies responsible for the criminal investigation and prosecution of child abuse allegations. In accordance with reference (b) the collection, use, maintenance and release of this sensitive information is highly circumscribed by both federal information law, primarily through reference (b), and references (a) and (c) designed to restrict access to said information to only those federal and state law enforcement and family violence program employees with an official need to know, within the limited scope of use authorized.

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CNRSW employees with an official need to know data germane to incidents of suspected child abuse or neglect may include military commanders, commanding officers and other military department leaders so that they may fulfill their respective duties and responsibilities per reference (d). These duties and responsibilities may include taking actions regarding military personnel and their dependents on such matters as, but not limited to, child and family safety, continued access to classified information, installation security, eligibility for overseas assignments, and continued suitability for sensitive military assignments, most all of which have no civilian equivalents.

(7) CNRSW understands that the foregoing paragraph shall not be interpreted to allow disclosure of any report or record relevant to incidents of child abuse if the disclosure is prohibited by any other provision of applicable State or Federal law. Information will not be used or released to any other agencies except as specified in reference (c).

b. Monterey County DSS is responsible for:

(1) Promptly responding to requests for assistance and information in accordance with the procedures set forth in this MOA.

(2) Assuming primary responsibility for providing child protection services, including appropriate out of home placement, if needed. DSS, in conjunction with local law enforcement agencies, any military equivalent of peace officers, and the Juvenile Court all have the authority to remove abused or neglected children from the home and place them into protective custody dependent upon whether law enforcement officials exercise authority in the geographical area where the minor is located (Welfare and Institutions Code § 305).

(3) Whenever DSS receives a report or referral alleging abuse or neglect within a military family, consistent with best practice and as authorized by law, the DSS staff person will contact FAP as part of their investigation.

(4) When DSS has been notified of a suspected child abuse case and desires to come on a military installation in Monterey County, they will comply with the following procedures:

(a) Visits to families residing in housing located outside of controlled access base or installation perimeters require no specialized access procedures.

(b) For visits to families and staff located aboard controlled access base or installation perimeters, DSS workers shall coordinate in advance with a representative from NSF and/or NCIS offices to have an escort on base and will show their official county identification to requesting military officials to gain entrance to the base. The gate sentry will follow procedures specific to that military installation. Anyone entering the base is subject to search and will need to show a valid driver's license, current automobile registration, and proof of insurance.

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(c) If special assistance from NSF is desired, a request shall be made to NSF. If there is a problem with access to the installation or with cooperation from families subject to a visit, the DSS worker should follow procedures specific to that military installation and NSF instructions.

(5) Sharing of Information. DSS will include CNRSW FAP case managers among the group of child abuse professional service providers who are authorized to receive and review confidential case information, including verbal and relevant copies, as part of multidisciplinary personnel teams engaged in the prevention, identification, management, or treatment of child abuse or neglect in accordance with reference (c).

(6) DSS will provide staff to attend regularly scheduled CCSMs, in person or via teleconferencing, to share information on the management of child abuse/neglect cases involving military families.

(7) DSS will provide staff to attend the quarterly area Family Advocacy Committee (FAC) meeting to assist in overall FAP program and policy review.

5. Other Provisions.

a. In order to maintain a high level “coordinated community response” to intervention and prevention of incidents of child abuse and neglect, CNRSW and DSS staff shall engage in proactive and reciprocal efforts to interact on a regular basis.

b. CNRSW and DSS staff shall cooperate on all child abuse and neglect cases. Navy medical, legal, and security resources will be used to the fullest extent possible to help solve and prevent episodes of child abuse and neglect.

c. CNRSW and DSS officials who produced this agreement will convene to address concerns and amend this agreement as necessary.

d. Nothing in this MOA may be construed to obligate the United States or the Department of the Navy to any current or future expenditure of money in advance of the availability of appropriations for such purposes from the United States Congress.

6. Points of Contact.

- a. Ms. Carmen Besselli
Director, Fleet and Family Support Center (FFSC)
Naval Support Activity Monterey
1280 Leahy Rd.
Monterey, CA 93940-4842
Phone: (831) 656-3060

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- b. Ms. Lori A. Medina
Director, County of Monterey, Department of Social Services
1000 S. Main St., Ste 205
Salinas, CA 93901-2353
Phone: (831) 755-4448
- c. DCOP Joey Rodriguez
Deputy Chief of Police, NSA Monterey's NSF
1870 Morse Drive, Bldg 436
Monterey, CA 93943-5495
Phone: (831) 656-3862
- d. SA Mary Teer
Special Agent, NCIS Resident Unit (RU) Monterey
1870 Morse Drive, Bldg 436
Monterey, CA 93943-5495
Phone: (831) 656-3606

7. Changes. Changes/amendments may be made to this agreement by mutual written consent of both parties, and will be recorded and published as addenda to this agreement.

8. Termination/Expiration. DSS or CNRSW may, by written notice stating the extent and effective date, terminate this agreement for convenience in whole or in part, at any time. This agreement will remain in effect for nine years unless terminated earlier by either party. This agreement will be reviewed triennially. The parties agree that prior to the MOA's ending date, representatives from DSS and CNRSW will meet to draft another Agreement. A new agreement will be by mutual written agreement between CNRSW and DSS based on state and/or federal laws and regulations.

9. Effective Date. This MOA will become effective on the date of the last signature.

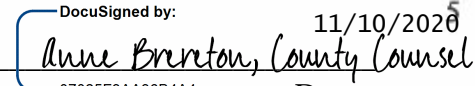
10. Counterparts. This MOA may be executed in any number of separate counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

MALLARI.NICKIE, Digitally signed by
N.JR.1184596144 MALLARI NICKIE N JR.11845961
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Date 2020.10.09 09:26:20 -07'00'

N. N. MALLARI Date
CNRSW Comptroller

 10/19/2020
J. STUYVESANT Date
CNRSW Executive Director

L. A. MEDINA Date
Director, Monterey County DSS

DocuSigned by: 11/10/2020 5:13 PM PST

Anne Brereton 07025F3AA36B4A4... Date
Deputy County Counsel