

116TH CONGRESS 2D SESSION

S. 3692

To improve the ability of the Department of Defense to effectively prevent, track, and respond to military-connected child abuse.

IN THE SENATE OF THE UNITED STATES

May 12, 2020

Mrs. GILLIBRAND (for herself, Mr. ROUNDS, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

- To improve the ability of the Department of Defense to effectively prevent, track, and respond to military-connected child abuse.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,
 - 3 SECTION 1. SHORT TITLE.
 - 4 This Act may be cited as the "End Military-Con-
 - 5 nected Child Abuse and Neglect Act".
 - 6 SEC. 2. ACTIONS TO ADDRESS MILITARY-CONNECTED
 - 7 CHILD ABUSE.
 - 8 (a) In General.—Consistent with the recommenda-
 - 9 tions of the Government Accountability Office in the re-

- 1 port titled "Increased Guidance and Collaboration Needed
- 2 to Improve DOD's Tracking and Response to Child
- 3 Abuse" (GAO-20-110), the Secretary of Defense shall
- 4 carry out activities to improve the ability of the Depart-
- 5 ment of Defense to effectively prevent, track, and respond
- 6 to military-connected child abuse.
- 7 (b) ACTIVITIES REQUIRED.—The activities carried 8 out under subsection (a) shall include the following:
- 9 (1) The Secretary of Defense shall expand the 10 scope of the Department of Defense's centralized 11 database on problematic sexual behavior in children 12 and youth to track information on all incidents in-13 volving child abuse reported to a Family Advocacy 14 Program or investigated by a military law enforce-15 ment organization, regardless of whether the perpe-16 trator of the abuse is another child, an adult, or a 17 person in a noncaregiving role at the time of the in-18 cident.
 - (2) The Secretary of Defense, in consultation with the Secretary of each military department, shall ensure—
- 22 (A) that each Family Advocacy Program 23 records, in a database of the Program, the date 24 on which the Program notified a military law

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- enforcement organization of a reported incident of child abuse; and
 - (B) that each military law enforcement organization records, in a database of the organization, the date on which the organization notified a Family Advocacy Program of a reported incident of child abuse.
 - (3) The Secretary of Defense, in consultation with the Secretary of each military department, shall issue guidance that clarifies the process through which the Family Advocacy Program of an Armed Force will receive, and incorporate into the Program's central registry, information regarding child abuse allegations involving members of that Armed Force and dependents of such members in cases in which such allegations were previously recorded by the Family Advocacy Program of another Armed Force. Such guidance shall include a mechanism for monitoring the process to ensure that the process is carried out consistently.
 - (4) Each Armed Force shall develop a process to monitor how reported incidents of child abuse are screened at military installations to help ensure that all reported child abuse incidents that should be pre-

- sented to an Incident Determination Committee are consistently presented and tracked.
 - (5) The Secretary of Defense shall ensure that the Under Secretary of Defense for Personnel and Readiness, in consultation with the Director of the Department of Defense Education Activity, clarifies Department of Defense Education Activity guidance to define what types of child abuse incidents must be reported as serious incidents to help ensure that all serious incidents of which Department of Defense Education Activity leadership needs to be informed are accurately and consistently reported by school administrators.
 - (6) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall expand the voting membership of each Incident Determination Committee to include medical personnel with requisite knowledge and experience.
 - (7) Each Armed Force shall implement procedures to provide the families of child abuse victims with comprehensive information on how reported incidents of child abuse will be addressed. Such practices may include the development of a guide that—
 - (A) explains the processes the Family Advocacy Program and military law enforcement

- organizations will follow to address the report;

 and
 - (B) identifies services and other resources available to victims and their families.
 - (8) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue guidance to clarify the circumstances under which military commanders may exercise the authority to remove a child from a potentially unsafe home on a military installation outside the United States.
 - (9) The Secretary of Defense shall ensure that the Under Secretary of Defense for Personnel and Readiness, in consultation with the Director of the Defense Health Agency, establishes processes that help ensure children who are sexually abused outside the United States have timely access to a certified pediatric sexual assault forensic examiner to conduct an examination. Such processes may include certifying pediatricians or adult sexual assault forensic examiners as pediatric examiners during mandatory training or establishing shared regional assets.
 - (10) The Secretary of Defense, in consultation with the Deputy Attorney General, shall seek to improve communication between military criminal in-

- 1 vestigative organizations and United States Attor-
- 2 neys for relevant cases involving child victims, in-
- 3 cluding by seeking to ensure that military investiga-
- 4 tors are notified when a prosecution is declined and
- 5 that such notice includes the reasons for the declina-
- 6 tion when appropriate.
- 7 (11) The Secretary of each military department
- 8 shall seek to develop a memorandum of under-
- 9 standing with the National Children's Alliance that
- makes children's advocacy center services available
- to all military installations of the department and in-
- creases awareness of those services across the de-
- partment.
- 14 (c) Deadline.—The Secretary of Defense shall
- 15 carry out the activities described in subsection (b) not
- 16 later than one year after the date of the enactment of this
- 17 Act.
- 18 (d) Definitions.—In this section:
- 19 (1) The term "Armed Forces" means the
- Army, Navy, Air Force, and Marine Corps.
- 21 (2) The term "child abuse" means any abuse of
- a child (including physical abuse, sexual abuse, emo-
- 23 tional abuse, and neglect) regardless of whether the
- 24 perpetrator of the abuse is another child, an adult,
- or a person in a noncaregiving role.

(3) The term "Incident Determination Com-
mittee" means a committee established at a military
installation that is responsible for reviewing reported
incidents of child abuse and determining whether
such incidents constitute child abuse according to
the applicable criteria of the Department of Defense.

(4) The term "military-connected", when used with respect to child abuse, means child abuse occurring on a military installation or involving a dependent of a member of the Armed Forces.

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