

# Military Investigations

(Revised 07/12/24)

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## Forms

The following forms are referenced in this policy:

- 04-29 Authorization to Use or Disclose Protected Health Information – Single Provider
- 04-29sp Authorization to Use or Disclose Protected Health Information – Single Provider (Spanish)
- 04-88 Military Information Checklist
- 04-808 Family Advocacy Program (FAP) Referral Form
- CAMPEN 5800/4 Command On Base Records Request

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## Related Policies

Additional information can be found in the following policies:

- ER - Investigations
  - Email Policy
  - Confidentiality Guide
  - Child and Family Team Meetings
  - Highly Vulnerable Children Protocol
  - Hotline- Assignment of Referrals
  - Safety Plans
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## Resources

The following resources are referenced in this policy:

- Encrypting Email in MS Office
  - Military Key Resources
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## Background

The active military, veteran, reserve and military retiree population of San Diego County accounts for nearly 10% of the total population. Nearly 8% of the U.S. active duty military population lives in San Diego County.

Due to the large contingency of active military in San Diego, it was imperative to form a Memorandum of Agreement (MOA) between local Military partners and the San Diego County Health and Human Services Agency. The MOA was formed with the goal of advancing military-informed practice standards and partnership for how to provide investigative and support services to families of the military who may be experiencing child abuse and/or neglect or exploitation. The goal of the MOA is to enhance services to military families by developing and coordinating services with an emphasis on prevention, early intervention and best practice.

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## Policy

Child and Family Well-Being (CFWB) staff will follow all rules and guidelines set forth by each individual military base.

CFWB staff will share information with Family Advocacy Programs (FAP), including verbal information and copies of information necessary for FAP to provide services requested by CFWB. FAP is a Department of Defense (DOD) program designated to address family violence and child abuse and neglect. WIC §10850(a) states that FAP agencies are the identified communication channel for sharing necessary information with the military command of the service member.

Currently through the MOA:

- CFWB staff cross report all reports of abuse and neglect within military families to the appropriate Family Advocacy Program (FAP); information is shared with FAP as part of the multidisciplinary team engaged in the prevention, management, and treatment of child abuse and neglect
  - Each regional CFWB Office of Child Safety (OCS) office has a Military Liaison
  - CFWB staff attend monthly Clinical Case Staffing Meetings (CCSM) with Family Advocacy at MCRD, Naval Station San Diego, Point Loma and Coronado
  - Military Liaisons participate in specialized training and provide military resources and training to CFWB staff
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**Hotline SW**

For all referrals received at the Hotline, the Hotline SW will do the following:

Step	Action
1	<p>Ask Reporting Party (RP) if anyone in the family is military and/or a veteran:</p> <ul style="list-style-type: none"><li>• If YES, ask who, what branch, which base, and status (active, reserve, dependent, or veteran and proceed to <b>step 2</b>.</li><li>• If MAYBE, add screener note stating "RP believes (mother/father) may be (active/veteran) military. Assigned worker please verify military status and document in CWS/CMS client notebook." No further action needed. Do not proceed to step 2.</li></ul>
2	<p>Document military status on the Emergency Response Document (ERD) and in client notebook under demographic tab (make sure to mark active, dependent or veteran with radio button and branch of military in the comment box, if known).</p>
3	<p>Ask RP if family lives on base:</p> <ul style="list-style-type: none"><li>• If YES, ask which housing complex and document on ERD.</li><li>• If NO/UNKNOWN, document on ERD.</li></ul>
4	<p>Ask RP if command is known:</p> <ul style="list-style-type: none"><li>• If YES, document on ERD.</li><li>• If NO/UNKNOWN, document on ERD.</li></ul>
5	<p>If abuse occurred on base, cross-report to:</p> <ul style="list-style-type: none"><li>• Naval Criminal Investigative Service (NCIS), if Navy installation</li><li>• Military Police, if other installations</li></ul> <p>If abuse did not occur on base refer to the appropriate law enforcement jurisdiction.</p> <p>See Coordination with Military Investigations Divisions</p>
6	<ul style="list-style-type: none"><li>• Follow Assignment of Referrals.</li></ul>

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## ER Investigations

For specific information on the investigation of referrals, see ER - Investigations.

For all referrals involving military personnel (active or veteran) follow these steps:

Step	Action
1	<p>Once a SW is informed of a parent's military service, follow the steps below:</p> <ul style="list-style-type: none"><li>• During the contact with the RP, if the RP is aware of Military Status, verify the Military Branch and assigned base for the service member</li><li>• Contact the appropriate Family Advocacy Program (FAP) for information on family history</li><li>• Email the 04-808- FAP Referral form to the relevant FAP office (see Family Advocacy Program below)</li><li>• Make sure documentation is correct in CWS/CMS in client notebook, demographics tab. Update if needed.</li></ul> <p><b>NOTE:</b> If the SW needs to go on base in order to respond to the referral, follow the steps listed below to get onto the appropriate base.</p> <p>When interviewing an active duty service member:</p> <ul style="list-style-type: none"><li>• Complete the 04-88 (military checklist).</li><li>• Provide the family with a list of military resources/community resources. (See Military Resources.)</li></ul> <p>If the parent is a Veteran or retired service member, the 04-88 does not have to be completed, but the SW will document the following in a contact:</p> <ul style="list-style-type: none"><li>• If they have a Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) diagnosis</li><li>• Treatment for the PTSD and/or TBI if applicable</li></ul>
2	<p>During the investigation, verify if FAP is opening a case with the family and what services will be provided. For further information on information sharing with FAP, see the Communication Section on this policy.</p> <p>Note that FAP timelines differ from CFWB timelines when determining if services will be offered to families.</p> <p>If the referral is closing as inconclusive or substantiated, request that Family Advocacy provide services to the family. (See Family Advocacy below)</p>

As noted above, SW will consult with FAP on all referrals, regardless of disposition. FAP may choose to provide services to a family based on their own case criteria, but SW will request FAP services on any referral determined to be Substantiated or Inconclusive

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**Family Advocacy Program**

Cross report to FAP by completing the CFWB FAP Incident Report form and send an **encrypted** email to the appropriate installation as listed on the report.

To send an encrypted email, open MS Office 365 Outlook in your web browser, click on the “new message” button in the upper left corner, and click the “encrypt” button after composing the email. For more detailed instructions, visit Encrypting Email in MS Office and the Email Policy.

If the SW does not hear back from the FAP installation within 48 hours of cross-reporting, they will contact the phone number listed on the report.

Call the appropriate FAP base listed below to verify family history and for all other questions:

Base
Marine Corps Air Station (MCAS) Miramar
Marine Corps Recruit Depot (MCRD) San Diego
Camp Pendleton
Naval Base San Diego (NBSD)
Naval Base Point Loma
Naval Base Coronado

The County of San Diego Health and Human Services Agency does not have an established Memorandum of Agreement (MOA) with the Coast Guard, Army, Air Force, or Space Force. When contacting FAP through the Coast Guard, Army, Air Force, or Space Force the SW may request the family’s FAP history and share why the Agency is involved. If the investigation is Substantiated or the family needs additional services to create safety, information may be provided for FAP to provide appropriate services to the family. See Confidentiality Guide for additional information.

Installation
Coast Guard

To find FAP contact information for all other Installations, visit [Military OneSource](#).

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## Communication

Per WIC 830, FAP personnel can be identified as Multi-Disciplinary Team (MDT) partners engaged in the prevention, identification, and treatment of child abuse. As MDT partners, information related to incidences of child abuse may be shared verbally or by writing if a member of the team believes that the information is relevant to the prevention, identification, or treatment of child abuse.

FAP team members may participate in Child and Family Team (CFT) meetings if the family approves or requests their attendance.

See Child and Family Team Meetings for more information.

Military Law Enforcement partners may have copies of CFWB records, but the records cannot be used for any court proceedings (i.e. they cannot turn the records over to the military prosecutors for their criminal case). Any information given to military law enforcement would have the 827 Disclosure Cover Letter (form 04-303) attached that explains this to them.

For more information, see Confidentiality Guide.

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## Practice Considerations

According to **Current Psychiatry Reports (2020)** an article entitled **Special Concerns in Military Families reports:**

- Military deployment places families of service members at an increased risk of hardships including mental health diagnoses, lower academic achievement in children, and higher rates of child maltreatment compared to families not experiencing deployment.
- School-age children have the highest rates of deployment-related stress manifesting as deployment-related fears, sadness, and concentration problems. Children also show an increase in mental health diagnoses during a parent's deployment, with acute stress reaction/ adjustment, mood, and behavior disorders being the most common.
- Mental health problems in service members can manifest as parenting disengagement, emotional numbing, and avoidance, which can lead to neglect, Intimate Partner Violence (IPV) in presence of children, and harsh discipline. Up to 30–60% of families reporting IPV also report child maltreatment.
- While military families face challenges, there are also a number of protective factors that help maintain healthy interfamilial relationships including stable income, access to comprehensive health care, and access to an abundance of community resources

See Military Resources for specific information regarding resources for deployment, mental health, financial services, employment options, childcare, and more.

The **Exceptional Family Member Program (EFMP)** provides services to service members and their dependents who have medical, developmental, educational, or mental health needs.

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**Practice  
Considerations  
(cont.)**

When working with military families, consider whether the case or referral meets Highly Vulnerable Children (HVC) criteria. HVC referrals/cases are those where the families have a higher than average possibility of causing or contributing to serious neglect, serious injury, serious re-injury or death to a child. Some of these traits may be families with young parents, minimal support, or a family with a parent experiencing serious mental health symptoms.

See Highly Vulnerable Children Protocol for more information.

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**Safety Planning**

The Agency recognizes that the optimal place for children is safely in their own homes. The use of Structured Decision Making (SDM) in investigations is vital in assessing safety, risk, and safety planning. Upon completion of the SDM Safety Assessment, if one or more safety threats are identified and safety interventions can mitigate the danger, children may remain in their home if a Safety Plan (04-277) is developed.

When creating a safety plan with a military family, it is important to take into account the family's dynamics including moving from out of state, not having a local support network, and deployment. The SW should engage the family in creating a plan to include any local supports and out of county supports when appropriate. Some local support networks can include neighbors, Family Advocacy Program staff, or the service member's command.

If removal is being considered for a military dependent child, inform FAP who may be able to work with the service member's command to build a safety network.

For more detailed information in safety planning, see Safety Plans.

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**Coordination with  
Military  
Investigation  
Divisions**

Note that when working with military families, law enforcement jurisdiction is different on base versus off base.

On base, military police investigate and immediately notify FAP officials and the service member's commander. If the perpetrator is a civilian, the investigation is turned over to civilian law enforcers and base personnel cooperate with the local legal authorities.

Off base, local police may or may not report the incident to base officials. If CFWB receives a report for an incident that occurred off base, the SW will report the incident to FAP as outlined in ER Investigations section of this policy.

There are two types of protective orders issued by military officials: a Military Protective Order (MPO) and a no contact order.

An MPO is an order in writing, signed by the service member's Command or other superior that orders a service member to stay away from, not speak to, or stay a certain distance away from another individual. Since a judge does not sign an MPO, it is not always enforced by Law Enforcement jurisdictions off base.

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**Coordination with  
Military  
Investigation  
Divisions (cont.)**

If issuing an MPO would help create safety, the SW can consult with the FAP official to articulate the safety concern and why an MPO is needed. FAP will then relay the concerns and recommendation to the Commanding Officer (CO) and Judge Advocate General (JAG). If the CO and JAG believe it rises to the need of a MPO, they will issue it, and send the order to the appropriate Military Police jurisdiction.

A no contact order is a verbal order given by a service member's command or other superior. This order is not in writing and is not signed, it is typically enforced after FAP elevates a concern to the service member's command and the command decides to not enforce an MPO.

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**Office of the  
Special Trial  
Counsel**

Beginning December 27<sup>th</sup>, 2023 military prosecutors, identified as the Office of Special Trial Counsel (OSTC), will oversee the charging and prosecution of covered offenses. Per the [US Uniform Code of Military Justice Chapter 47](#), covered offenses include:

- 117a (wrongful broadcast or distribution of visual intimate images)
- 118 (murder)
- 119 (manslaughter)
- 120 (rape and sexual assault)
- 120b (rape and sexual assault of a child)
- 120c (miscellaneous sexual offenses)
- 125 (kidnapping)
- 128b (domestic violence)
- 130 (stalking)
- 132 (retaliation)
- 134 (child pornography); and
- Conspiracies, solicitations, and attempts of these offenses

Prior to the creation of OSTC the service member's command held the duty to decide if the service member would be charged with any of the covered offenses. Following the establishment of the OSTC, the command is relieved of this duty but will be remained informed of any criminal proceedings of their service member. The command will retain the duty of deciding and enacting administrative discipline.

If a SW needs to discuss the criminal proceedings of a service member for any of the covered offenses, they will contact the local Marines or Navy Office of Special Trial Counsel representative:

Branch
Marines
Navy

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**Child Abuse  
Investigations at  
Naval Base San  
Diego**

When SWs conduct investigations at Balboa Naval Station, they will present county identification to the Gate Sentry and inform the Sentry that the SW is there to investigate allegations of child abuse. While at the gate, the SW may request a military police escort if necessary.

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**Child Abuse  
Investigations at  
Miramar Air Station**

When SWs conduct investigations at MCAS - Marine Corps Air Station Miramar, they shall proceed as follows:

Step	Action
1	Present county identification to the Gate Sentry and inform the Sentry that the SW is there to investigate allegations of child abuse. While at the gate the SW may request a military police escort if necessary.
2	If there is a problem entering MCAS the SW shall advise the Gate Sentry to call the Watch Commander who will assist with entry.  For issues with getting onto base after hours, please contact Deputy police Chief.
3	If SWs need administrative assistance, including locating military personnel, completing background checks, requests for Military Protective Orders or other case related issues between business hours of 7:30 a.m. to 4:30 p.m. Mon - Fri, contact Family Advocacy.  FAP clinical supervisor may be contacted for immediate assistance.
4	During the child abuse investigation if the SW determines that additional services are needed and/or the family is uncooperative, the SW may refer the family to Family Advocacy.  (See Confidentiality Guide.) Look under "Other Service Providers" in the Social Services Agencies (including military social services) section.
5	The Provost Marshall Office (PMO) provides security and law enforcement. Contact PMO dispatch for Law Enforcement assistance while on base, .

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**Child Abuse  
Investigations at  
Camp Pendleton**

When SWs conduct investigations at Camp Pendleton, they shall proceed as follows:

Step	Action
1	Present county identification for entry onto Camp Pendleton. Anyone entering the base is subject to search and must show a valid driver's license, current auto registration and proof of auto insurance. If driving a County Car, the proof of insurance will be located either on a visor or in the glove compartment in the vehicle.
2	<ul style="list-style-type: none"> <li>• All <b>initial</b> CFWB contacts on Camp Pendleton (IS/IRS, CI) require Marine Corps Police Department Camp Pendleton (MCPD CPC) notification for the purpose of coordinating the investigation and protection of the CFWB staff.</li> <li>• Upon arrival on Base, contact the MCPD CPC Desk and advise them you are making a first time CFWB contact with a family.</li> <li>• Wait for assistance or direction as to where to meet a representative from the MCPD CPC.</li> <li>• If requested, an MP (Military Police) escort will be provided.</li> <li>• For all initial contacts, you may be provided an Officer escort. Additionally someone from the Criminal Investigative Division may be present. The Officer escort should NOT be in the home during confidential interviews, unless you believe their presence is needed to keep the peace.</li> </ul> <p><b>NOTE:</b> If doing a monthly compliance visit or follow-up investigation, contact the MCPD CPC Desk Sergeant and advise the MCPD CPC Desk Sergeant you are doing a follow up visit or a monthly compliance visit.</p>
3	If you are taking a child into protective custody, a representative from MCPD CPC (Patrol or CID Agent) or NCIS (Naval Criminal Investigative Services) must be present. Contact the MCPD CPC Desk Sergeant per above.
4	If there is a problem getting on base, ask to speak to a SUPERVISOR. Most gate personnel are NOT MPs, and may not be clear on the role of a CFWB SW.
5	Camp Pendleton's Marine Corps Community Services, Marine and Family Programs, BH-Counseling Services (aka Family Advocacy Program [FAP]) must be notified on all referrals/cases in which the offender is believed to be an active duty service member assigned to Camp Pendleton <b>or</b> where the abuse or neglect appears to have been committed <b>on</b> Camp Pendleton.

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## Requesting Military Records

**Camp Pendleton Police Records:** To request police records from the Provost Marshal's Office (PMO) on base, the SW must complete the CAMPEN 5800/4 Command On Base Records Request form. Complete the form and use secure email encryption to send.

**Medical Records:** To request medical records from any military installation, the SW must have a signed Authorization to Use or Disclose Protected Health Information –Single Provider (04-29 or 04-29sp) to receive a parent or child's records.

**NOTE:** If a parent refuses to sign the release of information for a child, the SW is allowed to obtain medical records under HIPAA as it pertains to the abuse allegation(s).

The following table details how to request medical records from military hospitals:

To request medical records from:	Complete the following:
Naval Hospital Camp Pendleton	<ul style="list-style-type: none"><li>• Contact the HIPAA Officer.</li><li>• Fax signed Authorization to Use or Disclose Protected Health Information with a written request on letterhead to the HIPAA Officer.</li></ul>
Naval Medical Center San Diego (Balboa Naval Hospital)	<ul style="list-style-type: none"><li>• Signed Authorization to Use or Disclose Protected Health Information <b>MUST</b> specifically state "Naval Medical Center San Diego." Fax signed authorization to the Medical Records Transfer Department at with a coversheet indicating the patient's name, date of birth, and the records being requested along with your contact information. Please include your email address so that records can be emailed directly to you.</li><li>• Urgent Medical Record Requests: Medical records requests will <b>ONLY</b> be expedited for the following reasons: request is a court order, subpoena, the patient is a current inpatient at another facility or the patient is currently in the emergency room. Specify on the fax coversheet the reason for requesting urgent medical records.</li></ul>

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**Requesting military records (cont.)**

To request medical records from:	Complete the following:
Naval Medical Center San Diego (Balboa Naval Hospital) (cont.)	<ul style="list-style-type: none"><li>Non-Urgent Medical Records Requests: The Medical Records Transfer Department will process all other requests within 30 business days of the date the request was submitted, no exceptions.</li></ul> <p>The Medical Records Transfer Department can be contacted by telephone. Call to follow up on any medical records request to be sure your fax was received and request records quickly, if needed.</p> <p>For after-hours urgent requests for newly-admitted patients or emergency room patients,.</p>

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**North Island**

NAS North Island has limited on base housing. For investigations on NAS North Island, reach out to FAP for assistance with being escorted on base.

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**Military Liaisons**

CFWB offices have designated one or more Military Liaisons to assist staff. Military liaisons are available for resource assistance and military information. Each Military Liaison will attend the monthly military initiative meetings. Please see the military liaison roster for names and contact information.

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**Alignment with SET**

This policy supports SET [Value 4](#) of a shared responsibility with community partners for children’s safety, permanency, and well-being.

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