Department of Defense

INSTRUCTION

NUMBER 6400.03
April 25, 2014
Incorporating Change 1, Effective April 3, 2017

USD(P&R)

SUBJECT: Family Advocacy Command Assistance Team (FACAT)

References: See Enclosure 1

1. PURPOSE. In accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), this Instruction reissues DoD Instruction (DoDI) 6400.3 (Reference (b)) to establish policy, assign responsibilities, and prescribe procedures for implementation and use of the FACAT in accordance with section 1794 of title 10, United States Code (U.S.C.) (Reference (c)).

2. APPLICABILITY

a. This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities and all other organizational entities in the DoD (hereinafter referred to collectively as the "DoD Components").

b. The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy to:

a. Provide a safe and secure environment for DoD personnel and their families by promoting the prevention, early identification, and intervention in all allegations of child abuse and neglect in accordance with DoD~~D~~*I* 6400.01 (Reference (d)).

b. Promote early identification and intervention in allegations of extrafamilial child sexual abuse in accordance with Reference (d) as it applies to DoD-sanctioned activities.

c. Provide a coordinated and comprehensive DoD response through the deployment of the FACAT to assist the Military Department upon DoD Component request to address allegations of extrafamilial child sexual abuse in DoD-sanctioned activities.

d. Foster cooperation among the DoD, other Federal agencies, and responsible civilian authorities when addressing allegations of extrafamilial child sexual abuse in DoD-sanctioned activities.

e. Promote timely and comprehensive reporting of all incidents covered by this Instruction.

f. As appropriate, actively seek prosecution of alleged perpetrators to the fullest extent of the law.

g. Ensure that personally identifiable information, to include protected health information collected, used, and released by covered entities in the execution of this Instruction is protected as required by DoD 6025.18-R (Reference (e)) and section 552a of title 5, U.S.C. (Reference (f)) as implemented in the DoD by DoDD 5400.11 (Reference (g)) and DoD 5400.11-R (Reference (h)).

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. ~~UNLIMITED~~. ***Cleared for public release.*** This Instruction ~~is approved for public release and~~ is available on ~~the Internet from~~ the DoD Issuances Website at http://www.dtic.mil/whs/directives.

8. EFFECTIVE DATE. This Instruction~~:~~ *is effective April 25, 2014.*

~~a. Is effective April 25, 2014.~~

~~b. Must be reissued, cancelled, or certified current within 5 years of its publication to be considered current in accordance with DoD Instruction 5025.01 (Reference (i)).~~

~~c. Will expire effective April 25, 2024 and be removed from the DoD Issuances Website if it hasn't been reissued or cancelled in accordance with Reference (i).~~

Jessica L. Wright
Acting Under Secretary of Defense
for Personnel and Readiness

Enclosures
1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

(a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
(b) DoD Instruction 6400.3, "Family Advocacy Command Assistance Team," February 3, 1989 (hereby cancelled)
(c) Section 1794 of title 10, United States Code
(d) DoD ~~Directive~~ *Instruction* 6400.*0*1, "Family Advocacy Program (FAP)," ~~August 23, 2004~~ *February 13, 2015*
(e) DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003
(f) Section 552a of title 5, United States Code
(g) DoD Directive 5400.11, "DoD Privacy Program," ~~May 8, 2007, as amended~~ *October 29, 2014*
(h) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
~~(i) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012, as amended~~
(~~j~~*i*) Section 13031 of title 42, United States Code
(~~k~~*j*) Sections 81.1-81.5 of title 28, Code of Federal Regulations
(~~l~~*k*) DoD Instruction 6025.13, "Medical Quality Assurance (MQA) in the Military Health System (MHS)," February 17, 2011, as amended
(~~m~~*l*) DoD Manual 6025.13, "Medical Quality Assurance (MQA) and Clinical Quality Management in the Military Health System (MHS)," October 26, 2013

ENCLOSURE 2

RESPONSIBILITIES

1. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MILITARY COMMUNITY AND FAMILY POLICY (DASD(MC&FP)). The DASD(MC&FP), under the authority, direction, and control of the Assistant Secretary of Defense for Readiness and Force Management, shall:

a. Monitor compliance with this Instruction.

b. Train, maintain, and support a team of full-time or permanent part-time federal officers or employees from various disciplines to comprise the FACAT and respond to child sexual abuse in DoD-sanctioned activities.

c. Develop and coordinate criteria for determining the appropriate professional disciplines, support staff, and the required capabilities of FACAT members.

d. Ensure that policies and guidelines on activation and use of the FACAT are shared and coordinated with the DoD Components.

e. Program, budget, and allocate funds for the FACAT.

f. Appoint the chief of the FACAT and team members, and provide required logistical support when the FACAT is deployed.

g. Coordinate the management and interaction of this effort with other Federal and civilian agencies as necessary.

h. Foster general awareness of FACAT goals and responsibilities.

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments shall:

a. Ensure compliance with this Instruction throughout their respective Departments.

b. Establish departmental procedures to implement with this Instruction.

c. Designate nominees for the FACAT upon request and ensure replacements are nominated when vacancies are indicated.

d. Ensure that commanders and staff are aware of the availability and proper use of the FACAT and the procedures for requesting a FACAT to assist in addressing extrafamilial child sexual abuse allegations covered by this Instruction.

e. Encourage timely and comprehensive reporting in accordance with this Instruction.

ENCLOSURE 3

PROCEDURES

1. REPORTING REQUIREMENTS. Any person with a reasonable belief that an incident of child abuse has occurred in a DoD-sanctioned activity must report it to:

a. The appropriate civilian agency in accordance with section 13031 of title 42, U.S.C. and sections 81.1-81.5 of title 28, Code of Federal Regulations (References (~~j~~*i*) and (~~k~~*j*)).

b. The installation Family Advocacy Program (FAP) as required by Reference (d).

2. NOTIFICATION OF SUSPECTED ABUSE

a. Physical or Emotional Abuse or Neglect. If a report of suspected child physical abuse, emotional abuse, or neglect in a DoD-sanctioned activity is made to the FAP, the FAP Manager (FAPM) shall:

(1) Notify the appropriate military or civilian law enforcement agency, or multiple law enforcement agencies as appropriate.

(2) Contact the appropriate civilian child protective services agency, if any, to request assistance.

b. Sexual Abuse. If a report of suspected child sexual abuse in a DoD-sanctioned activity is made to the FAP, the FAPM, in addition to the procedures noted in paragraph 2.a. of this enclosure, shall:

(1) Immediately notify the servicing military criminal investigative organization (MCIO) and civilian law enforcement as appropriate.

(2) Forward the report DD Form 2951, "Initial Report of Suspected Child Sexual Abuse in DoD Operated or Sponsored Activities," required by Reference (c) through DoD Component FAP channels to the DASD(MC&FP) within 72 hours.

(3) Consult with the person in charge of the DoD-sanctioned activity and the appropriate law enforcement agency to estimate the number of potential victims and determine whether an installation response team may be appropriate to address the investigative, medical, psychological, and public affairs issues that may arise.

(4) Notify the installation commander of the allegation and recommend whether an installation response team may be appropriate to assess the current situation and coordinate the installation's response to the incidents.

(5) Submit a written follow-up report using DD Form 2952, "Closeout Report of Suspected Child Sexual Abuse in DoD Operated or Sponsored Activities," through DoD Component channels regarding all allegations of child sexual abuse to the DASD(MC&FP) when:

(a) There have been significant changes in the status of the case;

(b) There are more than five potential victims;

(c) The sponsors of the victims are from different Military Services or DoD Components;

(d) There is increased community sensitivity to the allegation; or

(e) The DASD(MC&FP) has requested a follow-up report.

3. REQUESTING A FACAT. An installation commander may request a FACAT through appropriate DoD Component channels from the DASD(MC&FP) when alleged child sexual abuse by a care provider in a DoD-sanctioned-activity has been reported and at least one of the following apply:

a. Additional personnel are needed to:

(1) Fully investigate a report of child sexual abuse by a care provider or employee in a DoD-sanctioned activity;

(2) Assess the needs of the child victims and their families; or

(3) Provide supportive treatment to the child victims and their families.

b. The victims are from different Military Services or DoD Components, or there are multiple care providers who are the subjects of the report from different Military Services or DoD Components.

c. Significant issues in responding to the allegations have arisen between the Military Services or DoD Components and other Federal agencies or civilian authorities.

d. The situation has potential for widespread public interest that could negatively impact performance of the DoD mission.

4. DEPLOYMENT OF A FACAT

a. The DASD(MC&FP) shall deploy a FACAT at the request of a DoD Component.

b. The DASD(MC&FP) may deploy a FACAT at the request of the Head of the DoD Component without a request from the installation commander. Such circumstances include a case where:

(1) The victims are from different Military Services or DoD Components, or there are multiple care providers who are the subjects of the report from different Military Services or DoD Components;

(2) Significant issues in responding to the allegations have arisen between the Military Services or DoD Components and other Federal agencies or civilian authorities; or

(3) The situation has potential for widespread public interest that could negatively impact performance of the DoD mission.

c. The DASD(MC&FP) shall configure the FACAT based on the information and recommendations of the requestor, the installation FAPM, and the FAP Director (FAPD) of the DoD Component.

d. The DASD(MC&FP) shall:

(1) Request the FAPDs to identify several individuals from the FACAT roster who are available for deployment.

(2) Request, through the appropriate channels of the DoD Component, that the individuals' supervisors release them from normal duty positions to serve on temporary duty with the deploying FACAT.

e. The DASD(MC&FP) shall provide fund citations to the FACAT members for their travel orders and per diem and shall provide information regarding travel arrangements. The FACAT members shall be responsible for preparing travel orders and making travel arrangements.

f. FACAT members who are subject to DoDI 6025.13 (Reference (~~l~~*k*)) shall be responsible for arranging temporary clinical privileges in accordance with DoD Manual 6025.13 (Reference (~~m~~*l*)) at the installation to which they shall be deployed.

5. FACAT TASKS. The FACAT shall meet with the installation's commanding officer, the MCIO, or designated response team to assess the current situation and assist in coordinating the installation's response to the incidents. Depending on the composition of the team, such tasks may include:

a. Investigating the allegations.

b. Conducting medical and mental health assessments of the victims and their families.

c. Developing and implementing plans to provide appropriate treatment and support for the victims and their families and for the non-abusing staff of the DoD-sanctioned activity.

d. Coordinating with local officials to manage public affairs tasks.

6. REPORTS OF FACAT ACTIVITIES. The FACAT chief shall prepare three types of reports:

a. Daily briefs for the installation commander or designee.

b. Periodic updates to the FAPD of the DoD Component and to the DASD(MC&FP).

c. An after-action brief for the installation commander briefed at the completion of the deployment and transmitted to the DASD(MC&FP) and the FAPD of the DoD Component.

GLOSSARY

PART I. ACRONYMS AND ABBREVIATIONS

DASD(MC&FP)	Deputy Assistant Secretary of Defense for Military Community and Family Policy
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
FACAT	Family Advocacy Command Assistance Team
FAP	Family Advocacy Program
FAPD	Family Advocacy Program Director
FAPM	Family Advocacy Program Manager
MCIO	military criminal investigative organization
U.S.C.	United States Code

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Instruction.

child. An unmarried person under 18 years of age for whom a parent, guardian, foster parent, caregiver, employee of a residential facility, or any staff person providing out-of-home care is legally responsible. The term "child" means a biological child, adopted child, stepchild, foster child, or ward. The term also includes a sponsor's family member (except the sponsor's spouse) of any age who is incapable of self-support because of a mental or physical incapacity, and for whom treatment in a DoD medical treatment program is authorized.

child abuse. The physical or sexual abuse, emotional abuse, or neglect of a child by a parent, guardian, foster parent, or by a caregiver, whether the caregiver is intrafamilial or extrafamilial, under circumstances indicating the child's welfare is harmed or threatened. Such acts by a sibling, other family member, or other person shall be deemed to be child abuse only when the individual is providing care under express or implied agreement with the parent, guardian, or foster parent.

child sexual abuse. The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

DoD-sanctioned activity. A U.S. Government activity or a nongovernmental activity authorized by appropriate DoD officials to perform child care or supervisory functions on DoD controlled property. The care and supervision of children may be either its primary mission or incidental in carrying out another mission (e.g., medical care). Examples include Child Development Centers, Department of Defense Dependents Schools, Youth Activities, School Age/Latch Key Programs, Family Day Care providers, and child care activities that may be conducted as a part of a chaplain's program or as part of another Morale, Welfare, or Recreation Program.

FACAT. Defined in Reference (d).

FAPD. An individual designated by the Secretary of the Military Department or the head of another DoD Component to manage, monitor, and coordinate the FAP at the headquarters level.

FAPM. Defined in Reference (d).

MCIO. U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

out-of-home care. The responsibility of care for and/or supervision of a child in a setting outside the child's home by an individual placed in a caretaker role sanctioned by a DoD Component or authorized by a DoD Component as a provider of care. Examples include a child development center, school, recreation program, family child care, and child care activities that may be conducted as a part of a chaplain's program or as part of another morale, welfare, or recreation program.