U.S. Department of Transportation
United States Coast Guard

Commandant
United States Coast Guard

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Washington, DC 20593-0001
Staff Symbol: G-PWL-2
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COMDTINST 1750.7B

6 FEB 1995

COMMANDANT INSTRUCTION 1750.7B

Subj: FAMILY ADVOCACY PROGRAM

Ref: (a) Military Justice Manual, COMDTINST M5810.1C
(b) Investigative Assistance, COMDTINST 5520.5 (series)

1. PURPOSE. This Instruction provides policy and procedures for handling family violence incidents within the Coast Guard. The Coast Guard seeks to reduce and prevent the incidence of family violence, specifically child abuse and neglect, spouse abuse, sibling abuse, parent abuse, and elder abuse and neglect. Education, prevention and proper intervention services result in healthy family relationships, retention of productive Coast Guard members and successful accomplishment of the Coast Guard mission.

2. ACTION. Area and district commanders; commanders, maintenance and logistics commands; commanding officers of Headquarters units; Superintendent, Coast Guard Academy; unit commanding officers; and Commander, Coast Guard Activities Europe; Family Program Administrators; and Work-Life Supervisors shall ensure compliance with the contents of this Instruction.

3. DIRECTIVES AFFECTED. COMDTINST 1750.7A is cancelled.

4. APPLICATION. This Instruction applies to all active duty Coast Guard members and their dependents. This Instruction applies to retired personnel as requested and to the extent

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resources permit. Pursuant to Memoranda of Understanding with other Uniformed Services, G-PWL approved, this Instruction shall apply to members of other Uniformed Services and their dependents while either serving with the Coast Guard or using Coast Guard facilities. When a Coast Guard command is notified, receives a request for assistance, or becomes aware of a family violence incident involving a member of another uniformed service, the command shall notify that service. Initial treatment should be provided to the extent necessary to meet the emergent needs of each individual case.

5. DISCUSSION. Family violence is unacceptable and incompatible with the high standards of professional and personal discipline expected and required of members of the United States Coast Guard. Each service member and civilian employee has a responsibility to foster an environment which does not excuse, tolerate, or mitigate family violence. Helping service members and their families to cope with family violence is a most difficult challenge faced by commands. The Coast Guard Family Advocacy Program was established to help commands effectively confront this challenge.

6. POLICY. It is Coast Guard policy:

a. To prevent child abuse and neglect, spouse abuse, sibling abuse, parent abuse, and elder abuse and neglect, and to intervene in response to allegations with professional screening, and treatment.

b. That Family Program Administrators (FPAs) shall open cases, and manage all allegations, at risk and substantiated child abuse and neglect, spouse abuse, sibling abuse, parent abuse and elder abuse and neglect incidents. The FPA shall report all allegations to Commandant (G-PWL-2) without identifying sponsor, victim or alleged offender data. The FPA shall ensure the case record documentation clearly reflects the allegations, investigative actions and results, related information and whether or not the allegations were determined to be substantiated or unsubstantiated within 12 weeks from the date of the report. All cases of unsubstantiated allegations shall be closed, destroyed, and enclosure (3) shall be sent to Commandant (G-PWL-2) identifying the case as unsubstantiated with no identifying information regarding the sponsor, victim and alleged offender. All cases of substantiated allegations shall be reported to Commandant (G-PWL-2) with all identifying information and managed until successful resolution or the member is discharged. At risk cases shall only be opened in accordance with the definition provided in enclosure (1) and managed locally. At risk cases shall be reported to Commandant (G-PWL-2) by sending enclosure (3) with no

identifying information regarding sponsor, victim and alleged offender. In all cases, the FPA shall ensure members and families are provided with the appropriate methods of intervention and treatment based on human services research and practice. FPAs shall measure progress, coordinate military and civilian services, and maintain the case record with written case recordings and supportive rationale and documentation. In no case shall entry in the Central Registry be made prior to a command's determination that abuse is substantiated.

c. To investigate in accordance with references (a) and (b), or to coordinate with qualified local agencies to investigate all allegations of abuse by Coast Guard members.

d. That commanding officers may order members to be psychologically evaluated and, if appropriate, ordered into mental health treatment for abuse based upon the member's involvement in a substantiated incident of family violence. This is because of the nexus between a member's mental health and "morale discipline, and the usefulness of the member" and the connection to good order and discipline in the service. District Commanders, unit commanding officers or officers-in-charge shall consider appropriate disciplinary or administrative action for members refusing treatment, including administrative separation.

e. To respect the rights of the alleged offender(s) while providing adequate protection for the alleged victim(s).

f. To ensure victims of child abuse, neglect, and spouse abuse, and witnesses to such acts are treated in accordance with the applicable provisions of reference (a).

g. To conduct regular Quality Assurance reviews of all cases.

h. To identify and use Uniformed Services Medical Treatment Facilities (USMTFs) or Uniformed Services Treatment Facilities (USTFs) for screening and treatment of active duty members. If no USMTF or USTF is available to the command, local or state facilities may be used to provide services to active duty members.

i. That alleged or substantiated cases of child abuse or neglect and spouse abuse identified through the Employee Assistance Program (EAP) shall be reported to the applicable regional FPA.

j. To provide prevention services to members and families identified, according to national research, as high risk

for abuse and neglect such as children and spouses with special needs.

k. That all local family advocacy instructions shall be consistent with this Instruction.

l. That nothing in this Instruction precludes, prevents or obviates requirements in reference (b) to refer criminal matters to relevant District Commanders (ole/oii/dii).

7. KEY DUTIES AND RESPONSIBILITIES. Implementation of the Family Advocacy Program requires the proactive execution of duties assigned to various officials as detailed below. Consistent with Coast Guard policy and Coast Guard Regulations, the unit commanding officer or officer-in-charge performs a central role to ensure that allegations are investigated promptly, that reports are provided up-the-chain, and that proactive measures are taken to protect the victims of abuse after abuse is substantiated and to protect the victims of alleged abuse during the investigation of an allegation. FPAs are tasked with responsibility for managing family advocacy cases, for establishing liaison with local agencies, and for providing advice to District Commanders, unit commanding officers and officers-in-charge. The Family Advocacy system in a specific case is activated when an allegation of abuse is made. Commanding officers and officers-in-charge must then ensure that the allegation is reported, that it is promptly investigated, and that all appropriate measures are taken to protect the victims of the alleged abuse, as appropriate. Upon receiving a report of an allegation, the FPA will open a case file and ensure the case is properly managed at all levels. If and when the allegation is substantiated upon completion of the investigation and where the member has been provided an opportunity for rebuttal, the commanding officer or officer-in-charge shall consider administrative or disciplinary action, as appropriate, and the FPA will submit the appropriate report to Commandant (G-PWL-2) for entry into the Central Registry tracking system as described herein. In this way, the Coast Guard will ensure that victims of abuse are protected, that the rights of Coast Guard members are properly respected and that those members who have engaged in abuse are held strictly accountable for their actions. Key duties and responsibilities are detailed below.

a. Commandant (G-PWL) shall:

1. Promulgate policy and guidance regarding the Family Violence Program, case management and Quality Assurance reviews;

2. Represent the Coast Guard at Federal, Department of Defense and national groups;

3. Establish training requirements and provide written educational materials service-wide on family violence for all involved Coast Guard personnel (FPAs, Family Advocacy Representatives (FARs), medical staff, chaplains, commanding officers, officers-in-charge, security personnel, Work-Life Supervisors, Dependent Resource Coordinators, Child Care and Youth Center Directors);

4. Provide reports and statistics for all family violence cases service-wide to DoD and any other government agency on a need to know basis as determined by Commandant (G-PWL-2);

5. Conduct regular Quality Assurance Reviews of all cases and provide a written report of findings to the district chief of staff or commanding officer responsible for the job performance of the FPA;

6. Provide direct technical guidance to Work-Life Staffs regarding family violence case management;

7. Exercise final review authority regarding family violence case decisions;

8. Coordinate and provide support, assistance and guidance to Coast Guard personnel for all family violence cases;

9. Maintain a Central Registry on all substantiated family violence cases for the purpose of identification of high risk groups/area, tracking of substantiated cases of abuse (i.e., those that have been properly investigated), coordination of transfers, and providing accurate monthly and annual statistical reports; and

10. Review all family violence cases to ensure decisions are consistent with Coast Guard policy and implementing instructions, and make case recommendations if necessary.

b. District commanders and commanding officers with FPA(s) shall:

1. Implement the policy and procedures as described herein;

2. Investigate in accordance with references (a) and (b) or coordinate with qualified local agencies to investigate all allegations of abuse by Coast Guard members;

3. Ensure family violence training is conducted, in accordance with training requirements as prescribed

by Commandant (G-PWL), for all commands, FARs, Work-Life supervisors and FPAs in their geographic areas of responsibility;

4. Designate the FPA, in writing, as the case manager of family violence cases, coordinator of the Family Advocacy Case Review Committee, and the primary point of contact for providing recommendations and guidance to commands regarding family violence incidents;

5. Establish procedures for commands to coordinate the immediate protection of victims of spouse and child abuse. This may include, but is not limited to, ordering a member to refrain from contacting alleged victims, restraining the member, the use of civilian shelters or safe houses, and the use of medical facilities. Because the legality of an order to refrain from contacting victims who are family members involves delicate questions of military and constitutional law, District Commanders, and Commanding Officers should consult with legal staff prior to issuing such an order, unless delay resulting from such consultation is unreasonable because of imminent harm to a victim or potential victim. In taking action, commands shall generally consult with legal and personnel staff to ensure that any proposed actions are in compliance with law and policy, they do not interfere with the responsibilities of a convening authority or civil authorities, or lead to unwarranted intrusions into domestic affairs or family privacy;

6. In consultation with the Military Personnel Command, ensure that members who are under investigation for abuse are not transferred until the investigation is complete and the case is properly resolved;

7. Ensure the establishment of a Family Advocacy Case Review Committee with the FPA as the coordinator;

8. Require immediate reporting of all allegations and substantiated child/spouse abuse/neglect incidents to the servicing FPA. Ensure that the servicing FPA further reports all allegations and substantiated child/spouse abuse involving major physical injury or sexual abuse to the District Commander (ole/oii/dii), as appropriate;

9. Based on recommendations from the FPAs, determine appropriate action; and

10. Ensure that, prior to completion of Enclosure (3) to this Instruction and entry into the Central Registry, the accused member is provided an opportunity to

review the investigation and submit a written rebuttal within 15 working days. A copy of the investigation shall ensure the maximum disclosure of information, with the exception of information that is not required to be disclosed under 5 U.S.C. § 552, such as investigatory techniques and confidential sources. If, after considering the member's statement, the District Commander, commanding officer, or officer-in-charge determines the abuse is "substantiated," the member may appeal the determination to Commandant (G-PWL) by submitting a letter through the chain of command within 15 working days after the command's determination. However, entry into the Central Registry will not be delayed pending the appeal.

c. Supervisors of FPAs shall:

1. Ensure family violence case files are properly secured, which shall include providing a private locked office and file cabinet for the physical security of files;

2. Ensure that entry into the Central Registry is made only upon the basis of allegations substantiated by a proper investigation and only after the offender has had an opportunity to rebut those allegations as provided herein;

3. Ensure only personnel with a need to know are provided access to case information and files;

4. Supervise and provide administrative support to FPAs; direct all technical and policy questions to Commandant (G-PWL);

5. Use applicable Quality Assurance Visit reports provided by Commandant (G-PWL) when rating the performance of the FPA;

6. Ensure the FPA's primary responsibility is the management of family violence cases;

7. Ensure FPAs and FARs do not operate outside of their scope of responsibility as delineated in this Instruction; and

8. Ensure the FPA coordinates a Family Advocacy Case Review Committee (FACRC) monthly.

d. Family Program Administrators (FPAs) are civilian professionals who possess in-depth knowledge about spouse abuse, child abuse and neglect, suicide, rape, sexual assault, and special needs. These master's level

experts represent various human service disciplines, each bringing unique perspectives to the maintenance of stable family life in the Coast Guard. FPA's manage all family advocacy cases and special need cases to ensure proper prevention, intervention, referrals, services, and follow-up. Their job is to assist commands with the difficult and intricate handling of these cases. FPAs shall:

1. Report all allegations and suspicions of family violence and substantiated incidents of family violence in accordance with state and local laws and this Instruction;

2. Open a case and manage all allegations, substantiated incidents, and at risk situations of family violence;

3. Ensure confidentiality as defined in enclosure (1);

4. Coordinate a Family Advocacy Case Review Committee;

5. Notify the involved command of any suspected or substantiated family violence incidents reported and any intervention, treatment, and/or follow-up recommended or required by law;

6. Obtain, review and analyze documentation on all family violence cases provided by district, MLC Commands, unit, or FARs to ensure appropriate action has been taken;

7. Advise and provide recommendations to Area and District Commanders, MLC Commands, commanding officers and officers-in-charge in all areas pertaining to family violence;

8. Provide assistance and guidance to all unit FARs regarding the reporting of family violence incidents;

9. Assist Area and District Commanders, MLC Commands, FARs, unit commanding officers, and officers in charge in implementing this policy, to include:

   (a) Consulting with Coast Guard legal and personnel staff to ensure any proposed actions are in compliance with law and with existing Coast Guard investigative policies and do not interfere with the responsibilities of a convening authority, usurp the responsibilities of civil authorities, or lead to unwarranted intrusions into domestic affairs or personal privacy;

   (b) Establishing liaison with local and state law enforcement and child protective agencies to

facilitate timely intervention in cases brought to the FPA's attention;

10. Establish training and provide educational resources on family violence to MLC, district or unit Coast Guard personnel who are involved in the identification, intervention, and/or treatment of families, including but not limited to FARs, COs, OICs, XOs, medical and dental staff, personnel officers, security personnel, chaplains, and OODs;

11. Establish a file of local community intervention and referral resources for child abuse and neglect, spouse abuse, elder abuse, sibling abuse, parent abuse, rape and suicide within their geographic area of responsibility;

12. If disclosure of case particulars is made to an agency outside the Department of Transportation (DOT), the name and address of the person or agency, the date, agency involved, and purpose for the disclosure must be made part of the Family Advocacy case record by the FPA;

13. Disclose case information within the following guidelines:

    (a) Disclosure to personnel of the Coast Guard who have a need to know the information within the record in the performance of their official duties;

    (b) Disclosure outside the Coast Guard in compliance with the routine uses of records published in the system of records notice. Specifically, this pertains to:

        (1) Federal, state and local government or private agency for coordination of family advocacy programs, medical care, mental health treatment, civil or criminal law enforcement and research into the causes and prevention of family domestic violence;

        (2) Individuals or organizations providing family support program care under contract to the Federal government.

    (c) Individuals requesting access to family violence case records should write to: Commandant (G-TPS), USCG, 2100 Second St., S.W., Washington, DC 20593-0001. Only Commandant can disclose case information or provide copies of case files to private individuals.

14. Provide their Work-Life Supervisor with regular, monthly case briefings on all family violence cases;

15. Notify the involved service member within a reasonable time whenever a family violence case is opened and that an investigation will be conducted. Advise the member that upon completion of the investigation, the member will have 15 days to submit a written rebuttal. Advise the member that if the commanding officer/officer-in-charge, or the District Commander determines that the incident is substantiated, the member's name will be entered into the Central Registry. Advise the member that while the member may appeal such a finding by submitting a letter within 15 days via the chain of command, entry into the Central Registry will not be delayed pending appeal;

16. Send Child/Spouse Abuse Incident Report, CG-5488, to Commandant (G-PWL-2) after the completion of an investigation in accordance with references (a) and (b), or after completion of an investigation by a qualified local government agency, and after the member is provided an opportunity to rebut those allegations as provided herein;

17. Report all allegations to Commandant (G-PWL-2) by sending Child/Spouse Incident Report, CG-5488, without identifying sponsor, victim or alleged offender data;

18. Ensure the case record documentation clearly reflects the allegations, investigative actions and results, related information and whether or not the allegations were determined substantiated or unsubstantiated within 12 weeks from the date of the report;

19. Close and destroy all cases of unsubstantiated allegations. Send Enclosure (3) to Commandant (G-PWL-2) identifying the case as unsubstantiated with no identifying information regarding the sponsor, victim and alleged offender;

20. Open at risk cases in strict accordance with the definition provided in enclosure (1). Report at risk cases to Commandant (G-PWL-2) using enclosure (3) with no identifying information regarding sponsor, victim and alleged offender;

21. Contact Commandant (G-PWL-2) for a check of the Central Registry to verify substantiated incidents of family violence;

22. Ensure the FAR does not maintain family violence case files/records or other related written information under any circumstances; and

23. Ensure the FAR does not make family violence case decisions under any circumstances.

e. Unit commanding officers and officers in charge shall:

1. Implement policy and procedures as described herein;

2. Select, according to the guidelines in enclosure (4), an active duty member from the unit to serve as the unit FAR. In small units either the Health Services Technician or Executive Officer will normally be the FAR;

3. Report all allegations or substantiated family violence incidents in accordance with state and local laws, reference (b) and this Instruction;

4. Notify relevant FPA of allegations, suspicions or substantiated family violence incidents and, based on the FPA's recommendations, determine appropriate action;

5. Investigate in accordance with references (a) and (b) or coordinate with qualified local agencies to investigate all allegations of abuse by Coast Guard members;

6. Establish procedures for commands to coordinate the immediate protection of victims of spouse and child abuse. This may include, but is not limited to, ordering a member to refrain from contacting alleged victims, restraining the member, using civilian shelters or safe houses and medical facilities. Because the legality of an order to refrain from contacting victims who are family members involves delicate questions of military and constitutional law, commanding officers and officers-in-charge should consult with legal staff prior to issuing such an order, unless delay resulting from such consultation is unreasonable because of imminent harm to a victim or potential victim. Commands shall generally consult with legal and personnel staff to ensure that proposed actions comply with law and policy, do not interfere with the responsibilities of a convening authority or civil authorities, or lead to unwarranted intrusions into domestic affairs or family privacy;

7. Ensure that prior to completion of Enclosure (3) to this Instruction and entry into the Central Registry,

the accused offender has an opportunity to review the investigation and submit a written rebuttal within 15 working days. A copy of the investigation shall ensure the maximum disclosure of information, except for information not required to be disclosed under 5 U.S.C. § 552, such as investigatory techniques and confidential sources. If, after considering the member's statement, the commanding officer, or officer-in-charge determines the abuse is "substantiated," the member may appeal the determination to Commandant (G-PWL) by submitting a letter through the chain of command within 15 working days of the command's determination. Entry into the Central Registry will not be delayed pending submitting an appeal;

8. Require members to cooperate with the intervention and treatment plan, as appropriate and as authorized;

9. Document the failure of a member to cooperate with intervention and treatment and consider appropriate administrative or disciplinary action, if appropriate;

10. Take disciplinary action, if appropriate, after any substantiated incidents of child/spouse abuse/neglect when the member is the abuser;

11. Ensure FARs do not investigate incidents of child/spouse abuse/neglect, keep records of such incidents or make case decisions under any circumstances;

12. Support the family unit as determined by the professionals providing treatment, i.e., child care, annual or sick leave, and flexible hours to facilitate treatment times;

13. Encourage members to seek emergent or non-emergent short-term mental health counseling and/or treatment, as appropriate. Retention is a separate but related issue which will ultimately be resolved by the command and MPC-sep. Commands shall decide the suitability of the abuser for long-term, non-emergent treatment according to the following criteria:

    (a) Member's potential for further useful service;

    (b) Assessment of previous military performance as documented in the individual's service record;

    (c) Assessment and recommendation of the FPA;

    (d) Rehabilitative potential as diagnosed by an experienced therapist trained in family

violence. If appropriate, a complete psychosocial evaluation of the offender should be obtained to screen for those individuals who are not likely to undergo treatment successfully. This evaluation should be conducted by professionals skilled in the treatment of child and spouse abuse;

(e) Member's attitude towards and recognition of the family situation prior to entering treatment;

(f) When indicated, results of drug and/or alcohol screening; and

14. Secure protection and treatment of the victim, consistent with Art 2-R of reference (a).

f. Family Advocacy Representatives (FAR's) shall:

1. Report all suspected and substantiated incidents of family violence in accordance with local laws and this instruction;

2. Notify their command and relevant FPA of all allegations, suspicions or substantiated family violence incidents;

3. Not maintain case notes, records, files or any related information involving a family violence incident and make no family violence case decisions under any circumstances;

4. Keep telephone numbers and local reporting procedures for local law enforcement and child protective agencies to facilitate timely intervention in incidents brought to the FAR's attention; and

5. Serve under the direct supervision of the command at all times. For technical assistance regarding family violence, the FAR shall consult with the FPA on the regional Work-Life staff.

g. Child Development Center Directors, Youth Center Directors and Dependent Resource Coordinators shall:

1. Report immediately all allegations, suspicions and substantiated incidents of family violence in accordance with state and local laws and this instruction; and

2. Notify command and relevant FPA of all allegations, suspicions and substantiated incidents of family violence. Center Directors shall also advise G-PWL.

h. Ombudsmen, the Command Family Representatives shall:

Immediately report all allegations, suspicions and substantiated incidents of family violence, along with any pertinent information, to the unit commanding officer or officer in charge, and relevant FPA. If unable to reach the CO, OINC or FPA, contact the FAR.

8. DEFINITIONS. Terms used in this Instruction are defined in enclosure (1).

9. REPORTS AND FORMS REQUIRED. Family Program Administrators shall keep the original of the Child/Spouse Abuse Incident Report, CG-5488 (RCN-1750-1, applies), with a copy to Commandant (G-PWL-2) for inclusion in the Headquarters Central Registry. No security classification shall be given to this form. This form may be reproduced locally.

KENT H. WILLIAMS
Chief of Staff

Encl: (1) Definitions
(2) Child/Spouse Abuse Incident Report-Terms And Instructions For Completing CG-5488
(3) Child/Spouse Abuse Incident Report, CG-5488
(4) Selection of Family Advocacy Representative

DEFINITIONS

1. Family Advocacy Program (FAP). A program designed to address all aspects of intervention concerned with child, spouse, sibling, parental and elder abuse involving active duty, and retired to the extent feasible, military personnel and/or their dependents. This intervention includes identification, evaluation, treatment and education, and prevention.

2. Allegation. Statements, absent of proof, which describe physical, emotional, psychological and/or sexual behavior, actions or inactions causing harm.

3. Alleged Offender. The alleged offender is any person who allegedly caused the abuse and/or neglect of a child, or the abuse of a spouse, or who may be suspected of having knowingly allowed such abuse or neglect to occur or whose alleged act, or failure to act, substantially impaired the health or well-being of the abuse victim.

4. Case. Case refers to all incidents involving one particular victim.

5. Case Status. The determination of the FPA based on the recommendations of the Family Advocacy Case Review Committee (FACRC) regarding whether abuse/neglect has occurred. Initial determination can be suspected but cannot exceed 12 weeks. Final determinations can be At Risk, Substantiated, and Unsubstantiated as follows:

   a. At Risk. A case which has not been substantiated but in which family members are considered to be vulnerable without intervention. To make a determination of "At Risk", the FPA and FACRC must clearly document the specific conditions and characteristics which make the family vulnerable. Also, clear documentation must be provided which shows what knowledge and/or skills are absent which cause this family to be unable to cope with the identified conditions/characteristics of their situation. (Some characteristics include premature birth of a child to adolescent parents, colic accompanied by continuous crying, congenital deficiencies/abnormalities, extreme financial distress, substance abuse, or any other condition that seriously interferes with parent-child bonding and/or nurturing.) "At Risk" cases are reported to Commandant (G-PWL-2) with no identifying information regarding victim, sponsor and alleged offender to be used for statistical purposes only. "At Risk" cases should be closely monitored locally.

b. Substantiated. A case that has been investigated and the preponderance of available information indicates that abuse and/or neglect has occurred. This means that the information that supports the occurrence of abuse is of greater weight or more convincing than the information that indicates that the abuse/and or neglect did not occur. The District Commander, commanding officer or officer-in-charge may only make this determination after the member has had an opportunity to rebut the allegations. Substantiated cases are sent to Commandant (G-PWL-2) when closed or transferred.

c. Suspected. A case is pending further investigation. Initial allegations and "at risk" cases are classified as suspected. Duration for a case to be considered Suspected and under investigation should not normally exceed 12 weeks. A final determination of substantiated, unsubstantiated or at risk should be made not later than 12 weeks. Suspected cases are reported to Commandant (G-PWL-2) without identifying sponsor, victim and alleged offender data for statistical purposes only.

d. Unsubstantiated. An alleged case that has been investigated and the available information is insufficient to support the claim that abuse and/or neglect did occur. Unsubstantiated cases are closed and destroyed at the local level by the FPA.

6. Child Abuse/Neglect. Includes physical injury, sexual maltreatment, emotional maltreatment, deprivation of necessities, or combinations for a child by an individual responsible for the child's welfare under circumstances indicating that the child's welfare is harmed or threatened. The term encompasses both acts and omissions on the part of a responsible person. A "child" is a person under 18 years of age for whom a parent, guardian, foster parent, caretaker, employee of a residential facility, or any staff person providing out-of-home care is legally responsible. The term "child" means a natural child, adopted child, stepchild, foster child, or ward. The term also includes an individual of any age who is incapable of self-support because of a mental or physical incapacity and for whom treatment in a MTF is authorized.

a. Major Physical Injury: This includes brain damage, skull fracture, subdural hemorrhage or hematoma, bone fracture, dislocation, sprain, internal injury, poisoning, burn, scald, severe cut, laceration, bruise, welt, or any combination thereof, which constitutes a substantial risk to the life or well-being of the individual.

1. Brain Damage/Skull Fracture: The individual has experienced a severe injury resulting in the fracture of the skull and/or damage to the brain.

2. Subdural Hemorrhage or Hematoma: Bleeding or a blood clot occurring under the outer covering of the brain.

3. Bone Fracture: Any breaking or cracking of a bone; does not include skull fracture. All bone fractures are considered major physical injuries.

4. Dislocation/Sprain: Displacement of bone at a joint; injury to tendons, ligaments, or muscles. All dislocations/sprains are considered major physical injuries.

5. Internal Injury: Injury to the organs within the body, not including brain damage.

6. Poisoning: The willful oral or injected administration of a substance that is known to cause harm, or ingestion of a poisonous substance due to negligence by a caretaker.

7. Burn/Scald: Injury or damage by excessive heat due to flame, steam, liquid, cigarette, etc.

8. Severe Cut/Laceration/Bruise: Damage to the skin, including stabbing or slashing of the skin resulting in excessive bleeding or damage to the blood vessels directly underneath the skin as a result of a blow or sharp instrument.

9. Other Major Physical Injury: Any other physical injury not listed above that seriously impairs the health or physical well-being of an individual.

b. Minor Physical Injury: This includes twisting, shaking, minor cut, bruise, welt or any combination thereof, which do not constitute a substantial risk to the life or well-being of the individual.

1. Minor Cut/Bruise/Welt: Minor damage to the skin or to the blood vessels directly underneath the skin caused by a blow or a cut which does not involve extensive bleeding.

2. Twisting/Shaking: Twisting of a limb or shaking of the individual, as by the shoulders, which does not result in a sprain or fracture injury or Shaken Baby Syndrome.

3. Other Minor Injury: Any other physical injury that does not pose serious risk to the health or physical well-being of the individual.

c. Child Sexual Abuse. Includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any

sexually explicit conduct (or any simulation of such conduct), or the rape, molestation, prostitution, or other such form of sexual exploitation of children, or incest with children. All sexual activity between an offender and a child, when the offender is in a position of power over the child, is considered sexual abuse. The following specifies the categories that constitute sexual abuse:

1. Exploitation: Forcing a child to look at the offender's genitals, forcing a child to observe an offender's masturbatory activities, exposing of a child's genitals, talking to a child in a sexually explicit manner, peeping at a child while undressed, or involving a child in sexual or immoral activity such as pornography or prostitution; the offender does not have direct physical contact with the child;

2. Rape/Intercourse: Sexual intercourse with a child involving penetration of the child's vagina or rectum, however slight;

3. Molestation: Fondling or stroking of breasts or genitals, oral sex or attempted penetration of the child's vagina or rectum;

4. Incest: Sexually explicit activity identified above between a child and a parent, a sibling or other relative too closely related to be permitted by law to marry; and

5. Other Sexual Maltreatment: Any sexual activity with a child.

d. Child Neglect: This category includes neglecting to provide the child with the following when able and responsible to do so: nourishment, clothing, shelter, health care, education, supervision, or causing a failure to thrive.

1. Neglecting to Provide Nourishment: Failure to provide adequate or proper food, which results in a malnourished condition for the victim.

2. Neglecting to Provide Appropriate Shelter: Failure to provide proper protection against the elements, sanitary living facilities, or a home by excluding the victim.

3. Neglecting to Provide Clothing: Failure to provide the victim with adequate or proper clothing suitable for the weather, cleanliness, or custom and culture of the area.

4. Neglecting to Provide Health Care: Failure to provide for proper medical and/or dental care that affects adversely or might affect adversely the physical, mental, or psychological well-being of the victim.

5. Failure to Thrive: A condition of a child indicated by not meeting developmental milestones for a typical child in the child's position; i.e., low height and weight or developmental retardation. The conditions are in addition to abuse and/or neglect.

6. Lack of Supervision: Inattention on the part of, or absence of, the caretaker that results in injury to the child or that leaves the child unable to care for him and/or herself, or the omission to have the child's behavior monitored to avoid the possibility of injuring self and others.

7. Educational Neglect: Allowing for extended or frequent absence from school, neglecting to enroll the child in school, or preventing the child from attending school for other than justified reasons (e.g., illness, inclement weather).

8. Abandonment: The absence of a caretaker when the caretaker does not intend to return or is away from home for an extended period without arranging for a surrogate caretaker.

e. Child Emotional Abuse/Neglect: This category includes behavior on the part of the caretaker which contributes to low self-esteem, undue fear or anxiety, or other damage to the victim's psychological well-being.

1. Emotional Abuse: Active, intentional berating, disparaging, or other abusive behavior toward the victim that adversely affects the emotional well-being of the victim.

2. Emotional Neglect: Passive or passive-aggressive inattention to the victim's emotional needs, nurturing, or psychological well-being.

7. Confidential. Case information shall only be disseminated by the most secure methods, i.e., in person or in writing assuring access only by the person to whom it is directed (E-mail shall not be used to transfer case information or provide discussion of any family violence cases or situations). Only those personnel with a need to know in the performance of their official duties will be allowed access.

8. Confidentiality. Case information will not be disclosed other than to those persons who have a need to know in the performance of their official duties. As used in this Instruction, the term confidentiality in no way creates any legal privilege not otherwise provided for by law.

9. Elder Abuse and Neglect: An act or omission by one having the care, custody, or responsibility of an elderly person which results in harm or threatened harm. The types of elder abuse and neglect are physical, psychological/emotional, material, and violation of rights.

10. Extrafamilial. Term used to describe a child abuse/neglect case in which the offender's relationship to the child is outside the family. This category ranges from known individuals living or visiting in the same residence who are unrelated to the victim by blood or marriage to individuals unknown to the victim.

11. Family Advocacy Representative (FAR). A FAR is an active duty member assigned to a unit with a collateral duty responsibility to identify and report child abuse and neglect and spouse abuse in accordance with federal, state and local laws and Commandant Instruction 1750.7 (series).

12. Family Advocacy Case Review Committee. A multi-disciplinary team that may include the Work-Life Supervisor, C.O., X.O., CEA, medical or dental personnel, chaplain, legal and security personnel. This committee reviews family violence cases and makes recommendations to the FPA and Commands regarding final determination, administrative action and treatment. The coordinator of the FACRC is the FPA. The FACRC shall meet at least once per month but may on an ad hoc basis as needed.

13. Family Program Administrator (FPA). A civilian human services professional with specific training in domestic violence, child abuse and neglect, suicide, rape, sexual assault, and special needs. FPAs are located Coast Guard-wide and their primary job is prevent and reduce child abuse/neglect and spouse abuse through case management and technical assistance to commands. The FPA works directly for and is under the supervision of the Work-Life supervisor.

14. Family Violence: Physical abuse/neglect, sexual abuse, psychological/emotional abuse/neglect occurring within the family. Victimization takes the following forms: Child abuse and neglect, spouse abuse, sibling abuse, parent abuse, and elder abuse. Also included under child abuse and neglect is abuse and neglect of a child by any person who is responsible for the child's welfare.

15. Fatality: The victim died as a result of the abuse, maltreatment or neglect.

16. Incident: An occurrence that may include one or more types of maltreatment. Involves one victim and one occurrence. An incident report (CG Form 5488) is completed on each incident.

17. Intrafamilial: Term used to describe a child abuse/neglect case in which the offender has responsibility for the child's welfare and is either a parent or is related by blood or marriage.

18. Offender: The person directly or indirectly responsible for the resulting neglect or abuse which occurs to an individual. Any person whose act, or failure to act, substantially impaired the health or well-being of the victim.

19. Parent Abuse: Abuse of a parent by a child under the age of majority.

20. Sibling Abuse: Physical, sexual abuse occurring between siblings. (Sexual acts between siblings when the aggressor is significantly older than the victim, is considered sexual abuse.)

21. Spouse: A partner in a marriage where one of the partners is a service member.

22. Spouse Abuse: This category includes assault, battery, threat to injure or kill, other acts of force or violence, or emotional maltreatment inflicted on a partner in a marriage when one or both of the partners is a military member, and/or incidents where live-in relationships result in abuse. A spouse under 18 years of age shall be treated in this category.

23. Suspicion: To surmise abuse and/or neglect is probable based on identified patterns of injuries and/or parent and child behavior.

24. Victim: An individual, including the active duty member, who is the subject of abuse or neglect, or whose welfare is harmed or threatened by acts of omission or commission by another individual. When a child is the victim, the non-abusive parent and siblings will also be treated as victims.

Terms And Instructions For Completing CG-5488, Child/Spouse Abuse Incident Report

1. Case Number: FY--,#1, etc.

2. Report Sequence Code: Leave blank.

3. Date Case Opened: The year, month, and day the case was reported

4. Medical Treatment Facility Code: Leave blank.

5. Major Command Code: Unit OPFAC code.

6. Case Status Determination Date: To be completed by the FPA only.

7. Source of Initial Referral: Who reported the case.

8. Type of Victim: Indicate if the victim is a child or spouse (includes member).

9. Notification to Child Protective Services (CPS): Specify whether or not report was made to CPS.

10. Type of Report to Registry: Indicate type of report.

    a. Initial: This is the first report that allegations have been made. In making initial reports to Commandant G-PWL-2), no identifying data will be included. Initial reports of allegations are made only to Commandant G-PWL-2) to statistically track the number of reports per fiscal year Coast Guard-wide.

    b. Updated Report: New information is available in a current case.

        1. Status Change: For example, the case status has changed from "suspected" to "substantiated," from "suspected" to "unsubstantiated", or from "suspected" to "at risk". Upon substantiation as defined herein, enclosure (3) shall be forwarded with complete identifying information for entry in the Central Registry. Unsubstantiated or at risk shall be reported without identifying information for statistical purposes only.

        2. Subsequent Incident: Another occurrence of the same type or of a different type of maltreatment or neglect has occurred in the case.

    c. Closed, No Recurrence: The case is closed when no incident of maltreatment or neglect has occurred within one year of the previous reported incident and services have been successfully provided.

1. Closed, Resolved: The case is closed when no incident has occurred, and treatment is deemed complete.

2. Closed, Unresolved: The case is closed when intervention is unsuccessful due to incomplete treatment and/or lack of client cooperation.

3. Closed, Separated from Service: The case is closed when the sponsor is released from active military service.

d. Transferred: The sponsor is reassigned. Specify the receiving assigned installation.

e. Reopened Case: A substantiated incident of abuse or neglect has recurred in a closed case and is reopened.

11. Case Status: The status of the case at the time of the report.

a. Substantiated: A case that has been properly investigated in accordance with references (a) or (b), or by a local agency, and after evaluation and an opportunity for rebuttal by the member as provided herein, the FPA and Family Advocacy Case Review Committee may recommend to the District Commander, Commanding Officer or Officer-in-Charge that the abuse be determined to be "substantiated".

b. Suspected: A case determination is pending investigation. Duration for a case to be "suspected" should not exceed 12 weeks.

c. Unsubstantiated: There is insufficient evidence to support the claim child abuse/neglect or spouse abuse did occur. The family needs no family advocacy services.

d. At Risk: The family is at risk of abuse and requires preventive services.

12. Sponsor Data: The sponsor is the active duty military member.

13. Type of Abuse/Neglect: The form of abuse or neglect or injury experienced by the individual.

14. Type of Treatment: Indicate the services currently in place.

15. Victim: The victim is an individual who is the subject of abuse or neglect.

16. Alleged Offender: The alleged offender is any person who allegedly caused the abuse and/or neglect of a child, or the abuse of a spouse, or knowingly allowed abuse or neglect to occur.

17. Actions Involved in Case to Date: All services being arranged for the family or individual involved in the case.

18. Incident Notes: Description of the incident.

19. Authenticating Official: Incident reports are prepared by the FPA and signed by the District Commander, Area Commander, commanding officer, or officer-in-charge as appropriate.

CHILD/SPOUSE ABUSE INCIDENT REPORT

REPORT CONTROL Number RCN-1750-1

PRIVACY ACT STATEMENT

Collection of information to identify and record incidents of child/spouse abuse and provide protection and medical treatment to military members and their families is authorized by 42 U.S.C. 5101 *et. seq.*; 14 U.S.C. 632 and E.O. 9397. Information concerning family member abuse and neglect is provided to the Department of Health and Human Services and is used for counseling and treatment of individuals, and in cases involving minors, may be provided to other agencies for law enforcement purposes. Furnishing information is voluntary, however, failure to provide the information may delay receipt of services.

1. CASE NUMBER	2. REPORT SEQUENCE	3. DATE CASE OPENED *(YYMMDD)*
4. MEDICAL TREATMENT FACILITY	5. UNIT OPFAC CODE	6. CASE STATUS DETERMINATION DATE *(YYMMDD)*

7. SOURCE OF INITIAL REFERRAL TO FAMILY ADVOCACY *(x as applicable)*

a. MILITARY
- [ ] (1) Law Enforcement
- [ ] (2) Medical/Dental
- [ ] (3) Family Center
- [ ] (4) Child Care/School/Recreation Center
- [ ] (5) Command
- [ ] (6) Chaplain
- [ ] (7) Other *(Specify)* _____

b. CIVILIAN
- [ ] (1) Law Enforcement
- [ ] (2) Medical/Dental
- [ ] (3) Social Services
- [ ] (4) Child Care/School/Recreation Center
- [ ] (5) Clergy
- [ ] (6) Other *(Specify)* _____

c. NON-AFFILIATED
- [ ] (1) Neighbor/Friend/Relative
- [ ] (2) Self-Referral, Victim
- [ ] (3) Self-Referral, Offender
- [ ] (4) Other *(Specify)* _____

8. TYPE OF VICTIM *(x one)*
- [ ] a. Child Abuse/Neglect *(if 8a is checked proceed to Item 9.)*
- [ ] b. Spouse Abuse *(if 8b is checked proceed to Item 10.)*

9. NOTIFICATION FORWARDED TO CHILD PROTECTIVE SERVICES? *(x one)*
- [ ] a. Yes
- [ ] b. No
- [ ] c. Not Applicable (Overseas)

10. TYPE OF REPORT TO REGISTRY *(x as applicable)*
- [ ] a. Initial
- [ ] b. Updated Report
  - [ ] (1) Status Change
  - [ ] (2) Subsequent Incident
- [ ] c. Case Closed
  - [ ] (1) Resolved
  - [ ] (2) Unresolved
  - [ ] (3) Separated from Service
- [ ] d. Tranferred *(Specify)* _____
- [ ] e. Reopened Case

11. CASE STATUS *(x one)*
- [ ] a. Substantiated
- [ ] b. Suspected
- [ ] c. Unsubstantiated
- [ ] d. At Risk

12. SPONSOR DATA *(If sponsor is alleged offender, x this box* [ ] *and go to item 13.)*

a. NAME *(Last, First, Middle Initial)*

b. SOCIAL SECURITY NUMBER | | | - | | | - | | | |

c. PAY GRADE/RATE

d. BRANCH OF SERVICE *(x one)*
- [ ] (1) Army
- [ ] (2) Navy
- [ ] (3) Air Force
- [ ] (4) Marine Corps
- [ ] (5) Coast Guard
- [ ] (6) Retired Military
- [ ] (7) Civilian/Other

13. TYPE OF MALTREATMENT *(x as applicable)*
- [ ] a. Major Physical Injury
- [ ] b. Minor Physical Injury
- [ ] c. Sexual Maltreatment
- [ ] d. Deprivation of Necessities
- [ ] e. Emotional Maltreatment
- [ ] f. Fatality

14. TYPE OF TREATMENT *(x as applicable)*
- [ ] a. Social Services
- [ ] b. Medical Outpatient
- [ ] c. Medical Inpatient

15. VICTIM DATA

a. NAME *(Last, First, Middle Initial)*

b. SOCIAL SECURITY NUMBER *(if available)* FOR MILITARY MEMBERS ONLY | | | - | | | - | | | |

c. SEX

d. DATE OF BIRTH *(YYMMDD)*

e. RACE/ETHNIC GROUP *(x one)*
- [ ] (1) White, not of Hispanic Origin
- [ ] (2) Black, not of Hispanic Origin
- [ ] (3) Hispanic
- [ ] (4) Asian/Pacific Islander
- [ ] (5) American Indian/Alaskan Native

f. SUBSTANCE INVOLVEMENT *(x one)*
- [ ] (1) Alcohol
- [ ] (2) Drugs
- [ ] (3) Alcohol and Drugs
- [ ] (4) Unknown
- [ ] (5) No Involvement

g. VICTIM RESIDES *(x one)*
- [ ] (1) On Installation
- [ ] (2) Off Installation

h. NUMBER OF CHILDREN IN HOME

i. INCIDENT OCCURRED *(x one)*
- [ ] (1) On Installation
- [ ] (2) Off Installation

16. ALLEGED OFFENDER DATA

a. NAME *(Last, First, Middle Initial)*

b. SOCIAL SECURITY NUMBER FOR MILITARY MEMBERS ONLY

c. DATE OF BIRTH *(YYMMDD)*

d. SEX

e. BRANCH OF SERVICE

- [ ] (1) Army
- [ ] (2) Navy
- [ ] (3) Air Force
- [ ] (4) Marine Corps
- [ ] (5) Coast Guard
- [ ] (6) Retired Military
- [ ] (7) Civilian/Other

f. NUMBER OF SECONDARY OFFENDERS IN THIS CASE

g. PAY GRADE

h. RATE/MOS/AFSC

i. RELATIONSHIP TO VICTIM *(x one)*

(1) Intrafamilial
- [ ] (a) Natural Parent
- [ ] (b) Step/Adoptive Parent
- [ ] (c) Spouse
- [ ] (d) Sibling
- [ ] (e) Other *(Specify)* _____

(2) Extrafamilial
- [ ] (a) Neighbor/Friend/Acquaintance
- [ ] (b) Teacher
- [ ] (c) Military Child Care
- [ ] (d) Other Child Care
- [ ] (e) Other *(Specify)* _____

j. HISTORY OF VIOLENCE AND/OR ABUSE *(x as applicable)*

- [ ] (1) Has been referred to an alcohol rehabilitation program
- [ ] (2) Has been referred to a drug rehabilitation program
- [ ] (3) Involvement in previous established case of child abuse
- [ ] (4) Involvement in previous established case of spouse abuse
- [ ] (5) Offender was abused as a child
- [ ] (6) Previous abuse history unknown
- [ ] (7) No previous record of abuse

k. MARITAL STATUS *(x one)*

- [ ] (1) Single
- [ ] (2) Married
- [ ] (3) Divorced/Separated

l. SUBSTANCE INVOLVEMENT *(x one)*

- [ ] (1) Alcohol
- [ ] (2) Drugs
- [ ] (3) Alcohol and Drugs
- [ ] (4) Unknown
- [ ] (5) No Involvement

m. RACE/ETHNIC GROUP *(x one)*

- [ ] (1) White, not of Hispanic Origin
- [ ] (2) Black, not of Hispanic Origin
- [ ] (3) Hispanic
- [ ] (4) Asian/Pacific Islander
- [ ] (5) American Indian/Alaskan Native

17. ACTIONS INVOLVED IN CASE TO DATE *(x as applicable)*

a. MILITARY
- [ ] (1) Medical
- [ ] (2) Family Services
- [ ] (3) Police Investigation
- [ ] (4) Court Involvement
- [ ] (5) Administrative Action

b. CIVILIAN
- [ ] (1) Medical
- [ ] (2) Social Services
- [ ] (3) Police Investigation
- [ ] (4) Court Involvement

k. CHAMPUS Referral? *(x one)*

[ ] (1) Yes [ ] (2) No

d. NO SERVICES PROVIDED

e. OTHER SERVICES *(Specify)*

18. INCIDENT NOTES *(If additional space is needed, continue on plain paper)*

19. AUTHENTICATING OFFICIAL

a. TYPED NAME *(Last, First, Middle Initial)*

b. SIGNATURE

c. DATE SIGNED

d. TITLE

e. TELEPHONE NUMBER

SELECTION OF FAMILY ADVOCACY REPRESENTATIVE

1. The following qualifications are recommended for selection of a unit Family Advocacy Representative (FAR). Consultation with the servicing FPA is highly recommended. The member should:

   a. Have a background in personnel or medical administration, if possible. (A chaplain, although trained in pastoral counseling, will not be appointed as a FAR since the dual role involves a potential conflict of interest and breach of confidentiality. See Manual for Courts Martial (MCM), Part III, Military Rule of Evidence (MRE) 503 i.e., Communication to Clergy.). Commanding officers and executive officers should not be designated FARS as these officers must remain impartial in order to evaluate and implement disciplinary action brought under the Uniform Code of Military Justice. If these officers become accusers, they may not convene a general or special court-martial for the trial or trials of persons accused. See Rules for Courts-Martial 504, MCM, Part II.

   b. Have a genuine interest in this collateral duty responsibility.

   c. Be sensitive to the needs of families and able to maintain an objective, nonjudgmental position when reporting family violence.

   d. Be able to preserve confidentiality and possess good interpersonal skills, i. e., the ability to listen and communicate well with others at all levels.

   e. Have two or more years remaining at the unit to enable the individual to attend training.

   f. Possess organizational skills to be used in maintaining telephone numbers and local reporting procedures for local law enforcement and child protective agencies.

2. As the FAR is not to act in a counseling capacity, but only to identify and report, counseling skills are not a prerequisite for this responsibility.