

United States Senate

WASHINGTON, DC 20510

April 18, 2024

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Austin:

We write with deep concern regarding the recent reporting of failures to appropriately respond to child abuse at Child Development Centers (CDCs). According to reporting from Military.com, interviews with families and reviews of military regulations and other documents show a pattern of unacceptable failures to identify abuse, take swift action, and communicate transparently—and an emphasis on protecting the reputation of Department of Defense (DoD) facilities and personnel.¹ In several instances, CDCs were slow to identify abuse, did not quickly inform families about incidents, and had no clear lines of responsibility for investigating or holding perpetrators accountable. If accurate, this situation is completely unacceptable.

DoD operates the largest employer-sponsored child care program in the United States, serving approximately 200,000 children of uniformed servicemembers and DoD civilians. Child care benefits are crucial for our servicemembers, DoD civilians, and their families, and help support DoD recruiting, retention, and readiness goals by giving our servicemembers peace of mind knowing their children are looked after while they are serving our country. In fiscal year 2024 alone, Congress provided \$167 million to fully fund DoD's child care initiatives. This includes new resources to recruit, support, and retain staff at DoD's child development centers—including \$33 million to provide a 50 percent discount for the first child of employed center staff. It also invests \$730 million for the renovation and repair of CDCs and \$277 million to establish six new CDCs on installations.

By enrolling their children in CDCs, servicemembers are entrusting DoD to take care of their children while they perform their duty to protect American citizens. When the safety of these children is threatened, it is DoD's responsibility to take measures to protect them from harm immediately. Yet, the investigation from Military.com described specific failures in at least two incidents that suggest a pattern of failure to aggressively respond to indications of problems, which may have left children in unsafe situations well after the time parents should have been informed and perpetrators terminated and held accountable.

For example, after a case of abuse at a CDC near Joint Base Pearl Harbor-Hickam, Hawaii, was discovered, staff failed to timely file official reports, and the Naval Criminal Investigative

¹ <https://www.military.com/daily-news/2024/04/10/unsupervised-military-child-care-centers-slow-report-abuse-little-oversight.html>

Service (NCIS) did not intervene until seven months after the incident occurred. Moreover, staff did not properly document the injuries, tell the parents the full extent of what happened, or provide them a copy of the incident report form. It ultimately took more than a year for two of the three workers responsible for the abuse to be charged in civilian court, and two of the workers were allowed to keep working for five months. In another incident at Naval Air Weapons Station China Lake in California, staff failed to review videos of the CDC that would have revealed a host of safety violations, including “touch incidents” that ultimately led to at least seven staff being put on administrative leave. After the abuse was discovered in October 2022, officials seemed unclear about their responsibilities to address the issue and whether DoD or the state of California had responsibility to investigate and hold perpetrators accountable.

Even one incident when abuse is not taken seriously is absolutely intolerable, and the potential that this type of behavior is widespread across CDCs is unthinkable. We write to you today to learn more about how you can be assured DoD regulations are strong enough to protect children enrolled in CDCs and those regulations are implemented successfully. Please provide a response to the questions below no later than May 1, 2024.

- 1) Have you reviewed and confirmed the details from the reporting?
- 2) Has DoD reviewed CDC regulations and how incidents at CDCs across the services are handled in practice? If so, what changes have been implemented?
- 3) Are you confident military child care facilities adequately respond to safety issues involving children and provide necessary levels of transparency and accountability when incidents do occur?
- 4) Who is responsible for handling incidents of child abuse that occur at CDCs and what are you doing to ensure all relevant DoD staff are aware of their roles and responsibilities?
- 5) If there is an incident of abuse at a CDC with a child, what are the current policies on notifying parents and addressing the situation? Do these policies vary from military service to military service, and if so, why? How can parents get information about what happens to their child at a CDC under current policies?
- 6) When is DoD responsible for responding to safety issues at CDCs and when are state agencies responsible? Do all of the Services have training for prospective installation military leadership on how to respond to potential incidents that may arise at CDCs, including information that would support determinations on what sovereign has criminal jurisdiction and how state regulatory agencies like Child Protective Services should be involved? Is this training tailored to account for potential variations depending on applicable state law where the military installation is located and how the military installation’s respective jurisdiction is categorized (exclusive federal, concurrent, partial federal, or proprietary)?

- 7) The Military.com investigation found that DoD does not have a mandated time frame for which the CDC must notify families whose children were involved in incidences. Why does DoD not have a consistent mandate in place? What is the average time frame for notifications to occur?
- 8) According to Navy policy, the Family Advocacy Program is required to report an incident within 24 hours to NCIS. In the Hawaii case, NCIS did not take action until 7 months after the incident occurred. Why did NCIS take so long to get involved in these cases? Has the Navy conducted an investigation into the Hawaii incident to determine whether personnel, either military or civilian, failed to follow regulatory requirements associated with the CDCs, including but not limited to, the Family Advocacy Program? If so, what were the results of that investigation, and if any compliance errors or omissions were identified, what accountability actions were taken?
- 9) In 2021, Secretary Christine Wormuth directed the Army to bolster its regulations on child care centers reporting incidents of sexual behavior to parents. What has been done to implement those policies and what are they? Is that policy labeled Controlled Unclassified Information (CUI) and therefore unavailable to the public? If so, why?
- 10) Is DoD confident in its current qualifications for CDC workers?

We urge DoD to take immediate and decisive action to address these extraordinarily concerning issues and ensure the safety and well-being of all military children in CDC care. Failure to act swiftly and effectively could put more children in danger, and will undermine the trust and confidence of servicemembers and their families in the military child care system. We appreciate your attention to this incredibly important matter.

Sincerely,



Patty Murray
U.S. Senator



Laphonza Butler
U.S. Senator



Mazie Hirono
U.S. Senator



Alex Padilla
U.S. Senator



Brian Schatz
U.S. Senator