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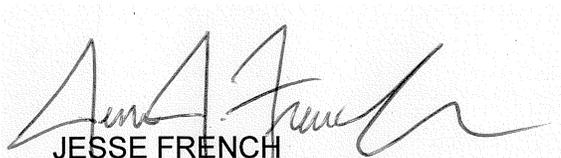
Personal Affairs

FORT LEONARD WOOD FAMILY ADVOCACY PROGRAM

FOR THE COMMANDER:

OFFICIAL:

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History. This publication is a new Fort Leonard Wood (FLW) regulation.

Summary. This regulation sets forth the guidelines and procedures for ensuring compliance with AR 608-18 and provides command guidance concerning military personnel on and off the Fort Leonard Wood installation.

Applicability. This regulation applies to all military personnel assigned to Fort Leonard Wood and their Family members or intimate partners that share a common domicile whether living on or off the Fort Leonard Wood installation.

Proponent and exception authority. The proponent of this regulation is the Directorate of Army Community Service (ACS), Family Advocacy Program (FAP).

Supplementation. Supplementation of this regulation is prohibited without prior approval by Headquarters, United States Army Maneuver Support Center of Excellence (MSCoE).

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Directorate of Army Community Service (IMLD-MWA), 486 Replacement Avenue, Fort Leonard Wood, MO 65473-8865.

Distribution. This publication is available in electronic media only and is published on the FLW Web site.

*This regulation supersedes Command Policy 40-07, 3 October 2007, and Command Policy 58-07, 3 October 2007.

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1. Purpose

This regulation outlines procedures for ensuring compliance with AR 608-18 and provides command guidance concerning military personnel and their Family members who are involved in child and spouse abuse incidents and implements a mandatory 72-hour minimum period of physical separation for military personnel from their civilian spouses or intimate partners that share a common domicile and are involved in domestic disputes, on and off the Fort Leonard Wood installation.

2. References

Referenced and related publications are listed in appendix A.

3. Explanation of acronyms, abbreviations, and special terms

Acronyms, abbreviations, and special terms used in this regulation are explained in the glossary.

4. General

a. The Army FAP is command-driven. The ACS assists commanders by providing accessible and complementary activities and services as well as a variety of training and support programs. ACS is the agency responsible for the overall management of FAP. According to AR 608-18, paragraph 2-1, the Family Advocacy Program Manager (FAPM) administers and directs the installation on family advocacy matters and is the installation commander's primary representative and subject matter expert on child and spouse/partner abuse.

b. All matters concerning administration, management, prevention, and direct services of the FAP will be directed through the FAPM. Prevention and education are key components of the FAP. All family advocacy training and briefing requests for community, command, and troop education and prevention programs in family and domestic violence will be coordinated through the FAPM. Command consultation is available for all matters.

c. Many instances of domestic violence and child abuse/neglect constitute violations of the law. AR 608-18 delineates the reporting requirement in child abuse cases, indicating all installation law enforcement personnel, medical and social work providers, school personnel, Child, Youth, and School (CYS) Services personnel, and certain others will report all incidents of abuse and strongly encourages every Soldier, employee, and member of the military community to report such incidents. AR 608-18 and Department of Defense Instruction delineate the unrestricted and restricted reporting options for domestic violence victims to include spouses and intimate partners. All allegations of spouse/partner abuse and child abuse/neglect will be reported to Social Work Services (SWS) FAP immediately. SWS

FAP will serve as the reporting point of contact (RPOC) for the installation and can be reached at (573) 596-1507 (duty hours). Evenings, weekends, and holidays, the RPOC can be reached through the Family Violence Response Line at (573) 596-0446 or the General Leonard Wood Army Community Hospital (GLWACH) Emergency Room at (573) 596-0456. Child abuse/neglect will also be reported to the Directorate of Emergency Services (DES) at (573) 596-6141 and to the Missouri Child Abuse Hot Line at 1-800-392-3738. Spouse/partner abuse will be reported to the DES at (573) 596-6141.

d. The Chief, SWS FAP coordinates FAP-direct services and treatment at GLWACH to include spouse/partner or child abuse assessment, intervention, and clinical treatment services. Upon referral of an abuse incident report to the Case Review Committee (CRC), the appropriate level commander will be notified of the abuse incident report. All military personnel identified by the FAP CRC as experiencing family violence will be required to participate in counseling and education programs as prescribed in AR 608-18. Participation by Family members in such programs is voluntary, but highly recommended. A Family member's failure to participate in such programs may result in termination of residence in on-post housing or being barred from post. Participation may be a court-imposed requirement should the case be handled by the Magistrate.

e. Commanders are responsible for ensuring compliance with AR 608-18. At a minimum, the following will be done:

(1) Commanders at all levels will be aware of—

(a) The nature of spouse and child abuse, and how to prevent it.

(b) FAP policies and procedures.

(c) Available FAP prevention services and resources.

(d) Command responsibilities for identification, reporting, and coordination with CRC.

(2) Unit commanders will attend and ensure that senior enlisted advisers attend the mandatory FAP Commander Brief within 45 days of appointment to a command position.

(3) Commanders will ensure that all military personnel are scheduled and attend annual FAP troop education provided by FAP personnel.

(4) Commanders will identify, report, and refer individuals involved in child and spouse/partner abuse to the CRC for mandatory evaluation, counseling, and referral assistance.

(5) Commanders will refer individuals to the CRC immediately following notification of an alleged offense. The notification will occur no later than 24 hours after the command is made aware that an incident has occurred. Any delay may place a victim at unnecessary risk.

(6) Commanders will consider Suspension of Favorable Personnel Actions (Flag) according to AR 600-8-2 if permanent change of station or other actions would prove detrimental to progress in the case.

(7) Commanders will ensure that both a time is scheduled and their military personnel participate in all required counseling or treatment.

(8) Commanders will be present for all CRC meetings involving their Soldiers. Commanders may send the unit first sergeant, sergeant major, or command representative in the case of a schedule conflict. The SWS FAP staff is responsible for notifying commanders of meeting dates and times.

(9) Commanders should consider CRC recommendations when taking disciplinary or administrative action against individuals in child and spouse abuse cases. Episodes of child and spouse abuse can provide the basis for disciplinary and administrative action. No actions will be delayed while awaiting the receipt of CRC recommendations.

(10) Military personnel involved in allegations of child or spouse/partner abuse should be encouraged to seek assistance through self-referral. Those who seek treatment or assistance for abuse challenges may initiate the evaluation and intervention process by voluntarily disclosing the nature and extent of their problems to their unit commander or FAP counseling personnel.

f. Following a report of abuse, the FAP has the responsibility for ensuring that procedures exist to protect victims of abuse and approving measures that will serve to protect abuse victims from further harm. Victims of domestic violence have the right to take reasonable actions to protect themselves and to be protected from abuse. Any victim may contact the installation Victim Advocate Program (VAP) at ACS, FAP, (573) 596-0212 for assistance. The rights of the alleged offender must also be respected and preserved throughout the life of the case.

5. Domestic violence and the 72-hour separation procedures

a. Violence against a spouse or intimate partner is contrary to the values and standards of the Department of Defense (DoD). The issue of domestic violence affects the community as a whole, and therefore, a coordinated community response is required. This regulation—requiring a minimum mandatory 72-hour separation period for spouses or intimate partners involved in domestic disputes—will help eliminate further domestic conflicts and enhance the safety of military Families; thereby, improving the quality of life in the Fort Leonard Wood military community.

b. According to AR 608-18, spouse/partner maltreatment is an incident or incidents that indicate an emerging pattern or risk of further victimization of the spouse/partner and may include coercive control, threatening behavior, withholding economic resources, intimidation, isolation, physical assaults or threats of physical violence with or without a weapon, stalking, sexual assault, or emotional maltreatment.

c. Domestic violence is an offense under the United States Code, the Uniform Code of Military Justice, or state law that involves the use, attempted use, or threatened use of force or violence against a person, or a violation of a lawful order issued for the protection of a person who is—

(1) A current or former spouse.

(2) A person with whom the abuser shares a child in common.

(3) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

d. Domestic abuse is domestic violence or a pattern of behavior resulting in the emotional/psychological abuse, the economic control, or the interference with the personal liberty of another individual when such violence or abuse is directed toward a person, who is—

(1) A current or former spouse.

(2) A person with whom the abuser shares a child in common.

(3) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

e. Sexual assault in spouse/partner maltreatment is a sexual assault(s), threat(s) of sexual assault, or coercing a partner to engage in undesired sexual activity with the alleged offender or other persons.

f. When an active duty Service member is the alleged offender in a domestic incident involving either a physical assault, sexual assault, or a verbal dispute in which the police (military or civilian) must intervene, commanders will require the Service member to be placed in the barracks or with a command-assigned individual for a minimum of 72 hours.

g. According to AR 608-18, paragraph 3-21d(3), commanders will issue a military no-contact order delineating the conditions of the 72-hour separation. Commanders are authorized to extend or modify the military no-contact order to ensure the safety and security of all persons. Military no-contact orders will be directed to Service members following consultation with the SWS FAP and the VAP. The actual military no-contact order should be recorded on a DD Form 2873 (Military Protective Order) and given to the subject of the order with a copy provided to the Chief, SWS FAP, for the FAP case file. The commanding officer who issued the military no-contact order will provide a written copy within 24 hours of issuance to the person with whom the Service member is ordered not to have contact. In special circumstances and with the advice of the Provost Marshal Office (PMO), SWS FAP, and VAP, commanders may order lesser periods of separation.

h. If the commander places the alleged offender with a command-assigned individual, that individual must be an officer or a noncommissioned officer (NCO) at least one grade higher than the alleged offender, who does not reside in close proximity to the victim.

i. In dual-military cases, commanders will require that the active duty victim remain in the couple's residence and that the active duty alleged offender be placed in the barracks or with a command-assigned individual.

j. In dual-military cases involving multiple alleged offenders/victims, commanders—after consultation with the PMO, SWS FAP, and VAP—will make the determination of which party is placed in the barracks based on who is identified by the military police (MP) as the primary aggressor. According to AR 608-18, the primary aggressor is the person who maintains power and control in an abusive incident regardless of which party started the physical or verbal action, the party who continued the dispute, or the party who “provoked” the event. In deciding which party to order into the barracks, commanders should always consider the interests and welfare of the couple's minor children, if any.

k. Commanders will ensure that SWS FAP and VAP are notified immediately of all 72-hour no-contact orders or written military police orders (MPO). SWS FAP will serve as the RPOC for the installation and can be reached at (573) 596-1507 (duty hours). Evenings, weekends, and holidays, the RPOC can be reached through the Family Violence and Response Line at (573) 596-0446 or the GLWACH Emergency Room at (573) 596-0456.

l. Based on all of the circumstances, input from VAP, and the assessment of the SWS FAP caseworker, commanders will not allow the parties to reunite if either party's or the child(ren)'s safety from physical harm is at risk.

m. If circumstances warrant, or upon the recommendation of the MP, commanders will remove weapons from the on-post home of military personnel involved in domestic disputes and secure them in the unit's arms room. For incidents occurring off-post, commanders with reasonable grounds to believe the service member is at risk for suicide or causing harm to others may inquire if a Service member plans to acquire, or already possesses or owns, a privately owned firearm. Service members with off-post firearms may be asked to voluntarily turn over the firearms for storage in the unit's arms room.

n. When appropriate, commanders may revoke pass or leave privileges of military personnel subject to the provisions of this regulation and according to AR 608-18, paragraph 3-22a.

- o. In situations where Service members must retrieve basic necessities from their home, the commander will ensure that the victim is notified and that a unit escort is assigned to accompany the Service member to the home.
- p. The escort must be an officer or NCO at least one grade higher than the alleged offender. The escort will remain in the presence of the alleged offender at all times.
- q. After the Service member has gathered their basic necessities, the escort will be responsible for the Service member's return to the barracks or home of the command-assigned individual.
- r. The commander will ensure that the alleged offender understands this is a one-time visit during the separation period.
- s. Where the alleged offender is the civilian spouse, commanders will keep the Service member's safety as a high priority. Commanders will use whatever safety measures they deem appropriate, to include seeking a temporary bar from the installation for the alleged offender civilian spouse if necessary.
- t. Local civilian law enforcement shall deal with incidents occurring off post. Pursuant to a memorandum of agreement (MOA), local law enforcement shall be responsible for notifying the PMO of an alleged offender's apprehension and release. The PMO will then be responsible for notifying the commander, who will implement the 72-hour minimum period of physical separation.
- u. When an emergency temporary order (ex parte) or a full order of protection is in place, commanders will counsel alleged offenders as to the conditions outlined in the order and will make every effort to ensure that alleged offenders adhere to said order.

Appendix A

References and forms

A-1. Required references.

- a. AR 608-18, The Army Family Advocacy Program, 30 October 2007 with Rapid Action Revision Issue Date: 13 September 2011. Cited in the Summary Statement and paragraphs 1, 4a, 4c, 4d, 4e, 5b, 5g, 5j, and 5n.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flag), 23 October 2012. Cited in paragraph 4e(6).

A-2. Related references.

- a. DoD Directive 6400.1, Family Advocacy Program (FAP), 23 August 2004.
- b. DoD Instruction, 21 August 2007, subject: Domestic Abuse Involving DoD Military and Affiliated Personnel.

A-3. Reference form. DD Form 2873, Military Protective Order.

Glossary

ACS
Army Community Service

AR
Army regulation

CRC
Case Review Committee

CYS
Child and Youth Services

DES
Directorate of Emergency Services

DFMWR
Directorate of Family and Morale, Welfare and
Recreation

DoD
Department of Defense

FAP
Family Advocacy Program

FAPM
Family Advocacy Program Manager

FLW
Fort Leonard Wood

GLWACH
General Leonard Wood Army Community
Hospital

MOA
memorandum of agreement

MP
military police

MPO
military police order

MSCoE
United States Army Maneuver Support Center
of Excellence

NCO
noncommissioned officer

PMO
Provost Marshal's Office

RPOC
report point of contact

SWS
Social Work Services

VAP
Victim Advocate Program