

**Defense Advisory Committee on Investigation, Prosecution, and  
Defense of Sexual Assault in the Armed Forces (DAC-IPAD)**

**Request for Information**

**RFI Set 15, Questions 1-5, Documents 1-3**

**Topic: Appointment of Guardians ad Litem for Minor Victims of Sex-Related Offenses**

**Date of Request: January 28, 2020**

**I. Purpose**

- A. The DAC-IPAD is a federal advisory committee established by the Secretary of Defense pursuant to section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended.
- B. The mission of the Committee is to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.
- C. The DAC-IPAD requests the below information to facilitate its required review of cases involving allegations of sexual misconduct on an ongoing basis for purposes of providing advice to the Secretary of Defense.

**II. Summary of Requested Response Dates**

<b>Suspense</b>	<b>Question(s)</b>	<b>Proponent</b>
<b>March 1, 2020</b>	Questions 1-5 and Documents 1-3	Services – Provide narrative responses regarding SVC/VLC, Article 6b representatives, and guardians ad litem for minor victims and the requested policies, regulations, and guidance.

**III. Narrative Questions for Special Victims' Counsel and Victims' Legal Counsel (SVC/VLC) Programs Regarding Guardians ad Litem for Minor Victims**

**Background:**

U.S. House of Representatives Report 116-120, part 1, (2019), accompanying H.R. 2500, contains a request for the DAC-IPAD to evaluate need for, and feasibility of, the appointment of guardians ad litem for minor victims of sex-related offenses. Specifically, Section 421 of the House Report states the following:

***Appointment of Guardian ad Litem for Minor Victims***

The committee is concerned for the welfare of minor, military dependents who are victims of an alleged sex-related offense. The committee acknowledges the Department of Defense's continued efforts to implement services in support of service members who are victims of sexual assault and further, to expand some of

these services to dependents who are victims. However, the committee remains concerned that there is not an adequate mechanism within the military court-martial process to represent the best interests of minor victims following an alleged sex-related offense.

Therefore, not later than 180 days after the date of the enactment of this Act, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces shall submit to the Committees on the Armed Services of the Senate and the House of Representatives a report that evaluates the need for, and the feasibility of, establishing a process under which a guardian ad litem may be appointed to represent the interests of a victim of an alleged sex-related offense (as that term is defined in section 1044e(g) of title 10, United States Code) who has not attained the age of 18 years.

### **Questions:**

Question 1: For all military investigations involving an alleged sex-related offense (as that term is defined in section 1044e(g) of title 10, United States Code), against a minor victim, and closed in the last two calendar years (2018, 2019): please provide a list, by year, of all alleged victims (represent each victim by a number, starting with 1) who were under the age of 18 at the time of the sex-related offense and for which the alleged offender was a Service member subject to the UCMJ.

For each victim identified, please document:

- a. The age of the victim at the time of the offense;
- b. Whether the victim was represented by a SVC/VLC;
- c. Whether an Article 6b, UCMJ, representative, was appointed, and if so, the basis for requesting the representative;
- d. If there was an Article 6b representative appointed, the nature of the representative's relationship to the victim (e.g. mother, aunt);
- e. Whether there were conflicts in the case between the victim's, or victim's representative's expressed wishes and the best interests of the victim;
- f. Whether a guardian ad litem was appointed, and if so, how and by whom.

Question 2: Does your Service believe it would be beneficial to, or has your Service already established a process under which a guardian ad litem may be appointed to represent the interests of a minor victim of an alleged sex-related offense described above (or any other offenses)?

Question 3: Are SVC/VLC in your Service specifically authorized to represent a victim's best interest in the event the victim lacks the capacity or maturity to make a decision regarding a specific issue involved in the case? If, so, please reference the specific policy or regulation providing for this representation.

Question 4: If SVC/VLC in your Service are authorized to represent the best interests of a minor victim in certain instances of incapacity, please identify any of the victims listed in Question 1 for whom this occurred. If SVC/VLC are not allowed to represent best interests of a minor victim in your Service, please explain what happens when a victim lacks capacity due to his or her young age and there is not a suitable Article 6b representative available. Please identify any of the victims listed in Question 1 for whom this was the case and provide a brief description of the case and how the issue was addressed.

Question 5: Please provide any additional comments or feedback regarding the feasibility of and need for a guardian ad litem appointment process for the military that would be helpful for the DAC-IPAD to consider in its evaluation and report to Congress on this issue.

**IV. Request for Service Policies, Regulations, and Other Written Documents Related to SVC/VLC or Guardians ad Litem Appointed for Minor Victims**

**Requested documents:**

1. All Service policies, regulations, or guidance that address SVC/VLC representation of victims under the age of 18.
2. All Service policies, regulations, or guidance that address guardians ad litem.
3. MOAs/MOUs between the Services and State/Local Child Protection Service organizations or other organizations that address the appointment of guardians ad litem for victims under the age of 18 in criminal cases involving Service member subjects. If there are more than five such MOAs/MOUs in your Service, please provide five as a representative sample. If there are fewer than five, please provide all relevant MOA/MOUs.

## RFI Set 15 Military Service Responses

### Topic: Appointment of Guardians ad Litem for Minor Victims of Sex-Related Offenses

Question 1: For all military investigations involving an alleged sex-related offense (as that term is defined in section 1044e(g) of title 10, United States Code), against a minor victim, and closed in the last two calendar years (2018, 2019): please provide a list, by year, of all alleged victims (represent each victim by a number, starting with 1) who were under the age of 18 at the time of the sex-related offense and for which the alleged offender was a Service member subject to the UCMJ.

For each victim identified, please document:

- a. The age of the victim at the time of the offense;
- b. Whether the victim was represented by a SVC/VLC;
- c. Whether an Article 6b, UCMJ, representative, was appointed, and if so, the basis for requesting the representative;
- d. If there was an Article 6b representative appointed, the nature of the representative's relationship to the victim (e.g. mother, aunt);
- e. Whether there were conflicts in the case between the victim's, or victim's representative's expressed wishes and the best interests of the victim;
- f. Whether a guardian ad litem was appointed, and if so, how and by whom.

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### RFI Set 15, Question 1

#### Army Response:

Victim	Vic Age (Time of Report)	Vic Age (Time of Incident)	SVC Respresented	SVC Eligible	
Victim 1	15	1	N	Y	
Victim 2	2	1	N	Y	
Victim 3	2	1	N	Y	
Victim 4	1	1	N	Y	
Victim 5	1	1	N	Y	
Victim 6	1	1	N	Y	
Victim 7	1	1	N	Y	
Victim 8	12	2	N	Y	
Victim 9	10	2	N	N	
Victim 10	2	2	Y	Y	
Victim 11	2	2	Y	Y	
Victim 12	4	2	N	Y	
Victim 13	3	2	N	Y	

Victim 14	3	2	N	Y	
Victim 15	3	2	N	Y	
Victim 16	2	2	N	Y	
Victim 17	2	2	N	Y	
Victim 18	2	2	N	Y	
Victim 19	2	2	N	Y	
Victim 20	2	2	N	Y	
Victim 21	2	2	N	Y	
Victim 22	48	3	N	Y	
Victim 23	45	3	N	Y	
Victim 24	11	3	N	Y	
Victim 25	10	3	N	Y	
Victim 26	10	3	N	Y	
Victim 27	3	3	Y	Y	
Victim 28	4	3	N	Y	
Victim 29	4	3	N	Y	
Victim 30	4	3	N	Y	
Victim 31	4	3	N	Y	
Victim 32	3	3	N	Y	
Victim 33	3	3	N	Y	
Victim 34	3	3	N	Y	
Victim 35	3	3	N	Y	
Victim 36	3	3	N	Y	
Victim 37	3	3	N	Y	
Victim 38	3	3	N	Y	
Victim 39	3	3	N	Y	
Victim 40	3	3	N	Y	
Victim 41	3	3	N	Y	
Victim 42	3	3	N	N	
Victim 43	3	3	N	Y	
Victim 44	3	3	N	Y	
Victim 45	3	3	N	Y	
Victim 46	50	4	N	Y	
Victim 47	15	4	N	Y	
Victim 48	10	4	N	Y	
Victim 49	4	4	Y	Y	
Victim 50	5	4	N	Y	
Victim 51	5	4	N	Y	
Victim 52	5	4	N	Y	
Victim 53	4	4	N	Y	
Victim 54	4	4	N	Y	
Victim 55	4	4	N	Y	
Victim 56	4	4	N	N	
Victim 57	4	4	N	Y	
Victim 58	4	4	N	Y	

Victim 59	4	4	N	Y	
Victim 60	4	4	N	Y	
Victim 61	4	4	N	Y	
Victim 62	4	4	N	Y	
Victim 63	4	4	N	Y	
Victim 64	4	4	N	Y	
Victim 65	4	4	N	Y	
Victim 66	4	4	N	Y	
Victim 67	4	4	N	Y	
Victim 68	4	4	N	Y	
Victim 69	4	4	N	Y	
Victim 70	4	4	N	Y	
Victim 71	4	4	N	Y	
Victim 72	4	4	N	Y	
Victim 73	4	4	N	Y	
Victim 74	4	4	N	N	
Victim 75	18	5	N	Y	
Victim 76	18	5	N	Y	
Victim 77	18	5	N	Y	
Victim 78	16	5	N	Y	
Victim 79	14	5	N	Y	
Victim 80	5	5	Y	Y	
Victim 81	8	5	N	Y	
Victim 82	8	5	N	Y	
Victim 83	7	5	N	Y	
Victim 84	7	5	N	Y	
Victim 85	6	5	N	Y	
Victim 86	6	5	N	Y	
Victim 87	6	5	N	Y	
Victim 88	5	5	N	Y	
Victim 89	5	5	N	Y	
Victim 90	5	5	N	Y	
Victim 91	5	5	N	N	
Victim 92	5	5	N	N	
Victim 93	5	5	N	Y	
Victim 94	5	5	N	Y	
Victim 95	5	5	N	Y	
Victim 96	5	5	N	Y	
Victim 97	5	5	N	N	
Victim 98	5	5	N	Y	
Victim 99	4	5	N	Y	
Victim 100	40	6	N	Y	
Victim 101	24	6	N	Y	
Victim 102	18	6	N	Y	
Victim 103	17	6	N	Y	

Victim 104	14	6	Y	Y	
Victim 105	15	6	N	Y	
Victim 106	15	6	N	Y	
Victim 107	14	6	N	Y	
Victim 108	9	6	Y	Y	
Victim 109	7	6	Y	Y	
Victim 110	7	6	Y	Y	
Victim 111	6	6	Y	Y	
Victim 112	6	6	Y	Y	
Victim 113	9	6	N	Y	
Victim 114	9	6	N	Y	
Victim 115	8	6	N	Y	
Victim 116	8	6	N	Y	
Victim 117	7	6	N	Y	
Victim 118	6	6	N	Y	
Victim 119	6	6	N	Y	
Victim 120	6	6	N	Y	
Victim 121	6	6	N	Y	
Victim 122	6	6	N	Y	
Victim 123	6	6	N	Y	
Victim 124	6	6	N	Y	
Victim 125	6	6	N	Y	
Victim 126	6	6	N	Y	
Victim 127	6	6	N	Y	
Victim 128	6	6	N	N	
Victim 129	6	6	N	N	
Victim 130	4	6	N	Y	
Victim 131	47	7	N	Y	
Victim 132	23	7	Y	Y	
Victim 133	41	7	N	Y	
Victim 134	18	7	Y	Y	
Victim 135	25	7	N	Y	
Victim 136	19	7	N	Y	
Victim 137	16	7	N	Y	
Victim 138	15	7	N	Y	
Victim 139	14	7	N	Y	
Victim 140	14	7	N	Y	
Victim 141	14	7	N	Y	
Victim 142	12	7	Y	Y	
Victim 143	10	7	Y	Y	
Victim 144	13	7	N	Y	
Victim 145	8	7	Y	Y	
Victim 146	7	7	Y	Y	
Victim 147	12	7	N	Y	
Victim 148	12	7	N	Y	

Victim 149	10	7	N	Y	
Victim 150	10	7	N	N	
Victim 151	8	7	N	Y	
Victim 152	8	7	N	Y	
Victim 153	8	7	N	Y	
Victim 154	8	7	N	Y	
Victim 155	8	7	N	Y	
Victim 156	8	7	N	Y	
Victim 157	7	7	N	Y	
Victim 158	7	7	N	Y	
Victim 159	7	7	N	Y	
Victim 160	7	7	N	Y	
Victim 161	7	7	N	Y	
Victim 162	7	7	N	Y	
Victim 163	25	8	N	Y	
Victim 164	22	8	N	Y	
Victim 165	21	8	N	Y	
Victim 166	19	8	N	N	
Victim 167	19	8	N	Y	
Victim 168	17	8	N	Y	
Victim 169	16	8	N	Y	
Victim 170	16	8	N	Y	
Victim 171	15	8	N	Y	
Victim 172	15	8	N	Y	
Victim 173	14	8	N	Y	
Victim 174	14	8	N	Y	
Victim 175	13	8	N	Y	
Victim 176	13	8	N	Y	
Victim 177	8	8	Y	Y	
Victim 178	8	8	Y	Y	
Victim 179	12	8	N	N	
Victim 180	11	8	N	Y	
Victim 181	11	8	N	Y	
Victim 182	11	8	N	Y	
Victim 183	10	8	N	Y	
Victim 184	8	8	N	Y	
Victim 185	8	8	N	Y	
Victim 186	8	8	N	N	
Victim 187	8	8	N	Y	
Victim 188	8	8	N	Y	
Victim 189	8	8	N	Y	
Victim 190	8	8	N	Y	
Victim 191	8	8	N	Y	
Victim 192	8	8	N	Y	
Victim 193	8	8	N	N	

Victim 194	8	8	N	Y	
Victim 195	8	8	N	Y	
Victim 196	8	8	N	Y	
Victim 197	8	8	N	N	
Victim 198	54	9	N	Y	
Victim 199	27	9	N	N	
Victim 200	24	9	N	N	
Victim 201	24	9	N	Y	
Victim 202	20	9	N	Y	
Victim 203	16	9	Y	Y	
Victim 204	15	9	Y	Y	
Victim 205	16	9	N	Y	
Victim 206	16	9	N	N	
Victim 207	16	9	N	N	
Victim 208	14	9	Y	Y	
Victim 209	15	9	N	Y	
Victim 210	15	9	N	N	
Victim 211	14	9	N	Y	
Victim 212	12	9	Y	Y	
Victim 213	13	9	N	Y	
Victim 214	13	9	N	Y	
Victim 215	13	9	N	N	
Victim 216	9	9	Y	Y	
Victim 217	9	9	Y	Y	
Victim 218	12	9	N	Y	
Victim 219	11	9	N	Y	
Victim 220	11	9	N	Y	
Victim 221	11	9	N	Y	
Victim 222	11	9	N	Y	
Victim 223	10	9	N	N	
Victim 224	10	9	N	Y	
Victim 225	10	9	N	N	
Victim 226	9	9	N	Y	
Victim 227	9	9	N	Y	
Victim 228	9	9	N	Y	
Victim 229	9	9	N	Y	
Victim 230	9	9	N	Y	
Victim 231	40	10	N	Y	
Victim 232	16	10	N	Y	
Victim 233	14	10	Y	Y	
Victim 234	15	10	N	Y	
Victim 235	15	10	N	Y	
Victim 236	14	10	N	N	
Victim 237	12	10	Y	Y	
Victim 238	11	10	Y	Y	

Victim 239	11	10	Y	Y	
Victim 240	10	10	Y	Y	
Victim 241	13	10	N	Y	
Victim 242	13	10	N	N	
Victim 243	13	10	N	Y	
Victim 244	12	10	N	N	
Victim 245	11	10	N	Y	
Victim 246	11	10	N	Y	
Victim 247	11	10	N	Y	
Victim 248	11	10	N	Y	
Victim 249	11	10	N	Y	
Victim 250	11	10	N	Y	
Victim 251	11	10	N	Y	
Victim 252	11	10	N	Y	
Victim 253	11	10	N	Y	
Victim 254	10	10	N	Y	
Victim 255	10	10	N	Y	
Victim 256	10	10	N	Y	
Victim 257	10	10	N	Y	
Victim 258	10	10	N	N	
Victim 259	10	10	N	Y	
Victim 260	10	10	N	Y	
Victim 261	10	10	N	Y	
Victim 262	10	10	N	Y	
Victim 263	10	10	N	Y	
Victim 264	10	10	N	Y	
Victim 265	10	10	N	Y	
Victim 266	38	11	N	Y	
Victim 267	31	11	N	Y	
Victim 268	23	11	N	Y	
Victim 269	19	11	N	Y	
Victim 270	17	11	N	Y	
Victim 271	17	11	N	Y	
Victim 272	16	11	N	Y	
Victim 273	14	11	Y	Y	
Victim 274	14	11	Y	Y	
Victim 275	13	11	Y	Y	
Victim 276	14	11	N	Y	
Victim 277	12	11	Y	Y	
Victim 278	12	11	Y	Y	
Victim 279	13	11	N	Y	
Victim 280	13	11	N	Y	
Victim 281	13	11	N	N	
Victim 282	12	11	N	Y	
Victim 283	12	11	N	Y	

Victim 284	12	11	N	Y	
Victim 285	12	11	N	N	
Victim 286	12	11	N	N	
Victim 287	11	11	N	N	
Victim 288	11	11	N	N	
Victim 289	11	11	N	Y	
Victim 290	11	11	N	Y	
Victim 291	11	11	N	Y	
Victim 292	11	11	N	N	
Victim 293	11	11	N	Y	
Victim 294	11	11	N	Y	
Victim 295	11	11	N	N	
Victim 296	11	11	N	N	
Victim 297	11	11	N	N	
Victim 298	11	11	N	N	
Victim 299	11	11	N	N	
Victim 300	11	11	N	N	
Victim 301	56	12	N	Y	
Victim 302	17	12	Y	Y	
Victim 303	22	12	N	Y	
Victim 304	22	12	N	Y	
Victim 305	20	12	N	N	
Victim 306	20	12	N	Y	
Victim 307	20	12	N	Y	
Victim 308	20	12	N	Y	
Victim 309	19	12	N	Y	
Victim 310	19	12	N	Y	
Victim 311	18	12	N	Y	
Victim 312	16	12	Y	Y	
Victim 313	17	12	N	Y	
Victim 314	17	12	N	Y	
Victim 315	17	12	N	N	
Victim 316	16	12	N	Y	
Victim 317	16	12	N	Y	
Victim 318	15	12	N	Y	
Victim 319	15	12	N	Y	
Victim 320	13	12	Y	N	
Victim 321	12	12	Y	Y	
Victim 322	12	12	Y	Y	
Victim 323	14	12	N	Y	
Victim 324	14	12	N	Y	
Victim 325	14	12	N	Y	
Victim 326	14	12	N	Y	
Victim 327	14	12	N	Y	
Victim 328	13	12	N	Y	

Victim 329	13	12	N	Y	
Victim 330	13	12	N	N	
Victim 331	13	12	N	Y	
Victim 332	13	12	N	Y	
Victim 333	13	12	N	N	
Victim 334	13	12	N	Y	
Victim 335	12	12	N	Y	
Victim 336	12	12	N	Y	
Victim 337	12	12	N	Y	
Victim 338	12	12	N	Y	
Victim 339	12	12	N	N	
Victim 340	12	12	N	N	
Victim 341	12	12	N	Y	
Victim 342	12	12	N	Y	
Victim 343	12	12	N	Y	
Victim 344	12	12	N	Y	
Victim 345	12	12	N	Y	
Victim 346	12	12	N	N	
Victim 347	12	12	N	N	
Victim 348	12	12	N	N	
Victim 349	12	12	N	N	
Victim 350	12	12	N	N	
Victim 351	12	12	N	N	
Victim 352	44	13	N	Y	
Victim 353	42	13	N	N	
Victim 354	39	13	N	N	
Victim 355	28	13	N	Y	
Victim 356	21	13	N	Y	
Victim 357	20	13	N	Y	
Victim 358	19	13	N	Y	
Victim 359	18	13	N	Y	
Victim 360	16	13	Y	Y	
Victim 361	17	13	N	Y	
Victim 362	17	13	N	Y	
Victim 363	17	13	N	Y	
Victim 364	17	13	N	N	
Victim 365	16	13	N	Y	
Victim 366	16	13	N	N	
Victim 367	16	13	N	N	
Victim 368	15	13	N	N	
Victim 369	15	13	N	Y	
Victim 370	15	13	N	Y	
Victim 371	15	13	N	Y	
Victim 372	15	13	N	N	
Victim 373	15	13	N	N	

Victim 374	13	13	Y	Y	
Victim 375	13	13	Y	Y	
Victim 376	13	13	Y	Y	
Victim 377	13	13	Y	Y	
Victim 378	13	13	Y	N	
Victim 379	14	13	N	N	
Victim 380	14	13	N	Y	
Victim 381	14	13	N	Y	
Victim 382	14	13	N	Y	
Victim 383	14	13	N	Y	
Victim 384	14	13	N	Y	
Victim 385	14	13	N	Y	
Victim 386	14	13	N	Y	
Victim 387	14	13	N	N	
Victim 388	14	13	N	Y	
Victim 389	13	13	N	Y	
Victim 390	13	13	N	Y	
Victim 391	13	13	N	N	
Victim 392	13	13	N	N	
Victim 393	13	13	N	Y	
Victim 394	13	13	N	N	
Victim 395	13	13	N	N	
Victim 396	13	13	N	N	
Victim 397	13	13	N	Y	
Victim 398	13	13	N	Y	
Victim 399	13	13	N	N	
Victim 400	13	13	N	N	
Victim 401	13	13	N	N	
Victim 402	13	13	N	Y	
Victim 403	13	13	N	Y	
Victim 404	13	13	N	Y	
Victim 405	13	13	N	Y	
Victim 406	13	13	N	Y	
Victim 407	13	13	N	Y	
Victim 408	13	13	N	Y	
Victim 409	13	13	N	Y	
Victim 410	13	13	N	N	
Victim 411	13	13	N	N	
Victim 412	13	13	N	N	
Victim 413	13	13	N	N	
Victim 414	13	13	N	Y	
Victim 415	13	13	N	Y	
Victim 416	13	13	N	Y	
Victim 417	13	13	N	N	
Victim 418	13	13	N	N	

Victim 419	13	13	N	N	
Victim 420	13	13	N	N	
Victim 421	13	13	N	N	
Victim 422	13	13	N	N	
Victim 423	13	13	N	N	
Victim 424	13	13	N	N	
Victim 425	13	13	N	N	
Victim 426	13	13	N	N	
Victim 427	35	14	Y	Y	
Victim 428	34	14	N	N	
Victim 429	31	14	N	N	
Victim 430	30	14	N	Y	
Victim 431	26	14	N	N	
Victim 432	23	14	N	Y	
Victim 433	20	14	N	N	
Victim 434	20	14	N	N	
Victim 435	18	14	N	N	
Victim 436	18	14	N	Y	
Victim 437	16	14	Y	Y	
Victim 438	17	14	N	N	
Victim 439	17	14	N	Y	
Victim 440	15	14	Y	Y	
Victim 441	15	14	Y	Y	
Victim 442	16	14	N	N	
Victim 443	16	14	N	N	
Victim 444	16	14	N	N	
Victim 445	14	14	Y	Y	
Victim 446	14	14	Y	Y	
Victim 447	14	14	Y	Y	
Victim 448	14	14	Y	Y	
Victim 449	14	14	Y	N	
Victim 450	14	14	Y	Y	
Victim 451	14	14	Y	Y	
Victim 452	14	14	Y	Y	
Victim 453	15	14	N	N	
Victim 454	15	14	N	N	
Victim 455	15	14	N	N	
Victim 456	15	14	N	Y	
Victim 457	15	14	N	N	
Victim 458	15	14	N	N	
Victim 459	15	14	N	N	
Victim 460	15	14	N	N	
Victim 461	15	14	N	N	
Victim 462	15	14	N	Y	
Victim 463	15	14	N	N	

Victim 464	15	14	N	N	
Victim 465	15	14	N	N	
Victim 466	14	14	N	N	
Victim 467	14	14	N	N	
Victim 468	14	14	N	N	
Victim 469	14	14	N	Y	
Victim 470	14	14	N	Y	
Victim 471	14	14	N	N	
Victim 472	14	14	N	Y	
Victim 473	14	14	N	Y	
Victim 474	14	14	N	N	
Victim 475	14	14	N	N	
Victim 476	14	14	N	Y	
Victim 477	14	14	N	Y	
Victim 478	14	14	N	N	
Victim 479	14	14	N	N	
Victim 480	14	14	N	N	
Victim 481	14	14	N	N	
Victim 482	14	14	N	Y	
Victim 483	14	14	N	N	
Victim 484	14	14	N	N	
Victim 485	14	14	N	Y	
Victim 486	14	14	N	Y	
Victim 487	14	14	N	Y	
Victim 488	14	14	N	Y	
Victim 489	14	14	N	Y	
Victim 490	14	14	N	Y	
Victim 491	14	14	N	N	
Victim 492	14	14	N	N	
Victim 493	14	14	N	N	
Victim 494	14	14	N	N	
Victim 495	14	14	N	Y	
Victim 496	14	14	N	Y	
Victim 497	14	14	N	Y	
Victim 498	14	14	N	N	
Victim 499	14	14	N	N	
Victim 500	14	14	N	N	
Victim 501	14	14	N	N	
Victim 502	14	14	N	N	
Victim 503	14	14	N	N	
Victim 504	14	14	N	N	
Victim 505	14	14	N	N	
Victim 506	14	14	N	N	
Victim 507	14	14	N	N	
Victim 508	14	14	N	N	

Victim 509	14	14	N	N	
Victim 510	14	14	N	N	
Victim 511	14	14	N	N	
Victim 512	14	14	N	Y	
Victim 513	14	14	N	N	
Victim 514	41	15	N	N	
Victim 515	39	15	N	N	
Victim 516	33	15	N	N	
Victim 517	32	15	N	N	
Victim 518	32	15	N	Y	
Victim 519	31	15	N	N	
Victim 520	21	15	N	Y	
Victim 521	21	15	N	Y	
Victim 522	20	15	N	N	
Victim 523	20	15	N	N	
Victim 524	20	15	N	N	
Victim 525	17	15	Y	Y	
Victim 526	19	15	N	Y	
Victim 527	19	15	N	Y	
Victim 528	18	15	N	N	
Victim 529	16	15	Y	Y	
Victim 530	17	15	N	Y	
Victim 531	17	15	N	N	
Victim 532	17	15	N	N	
Victim 533	16	15	Y	Y	
Victim 534	15	15	Y	Y	
Victim 535	15	15	Y	Y	
Victim 536	15	15	Y	Y	
Victim 537	15	15	Y	Y	
Victim 538	15	15	Y	Y	
Victim 539	15	15	Y	Y	
Victim 540	15	15	Y	Y	
Victim 541	16	15	N	N	
Victim 542	16	15	N	Y	
Victim 543	16	15	N	N	
Victim 544	16	15	N	N	
Victim 545	16	15	N	N	
Victim 546	16	15	N	Y	
Victim 547	16	15	N	N	
Victim 548	16	15	N	N	
Victim 549	16	15	N	N	
Victim 550	16	15	N	Y	
Victim 551	16	15	N	Y	
Victim 552	16	15	N	Y	
Victim 553	16	15	N	N	

Victim 554	16	15	N	N	
Victim 555	16	15	N	Y	
Victim 556	16	15	N	N	
Victim 557	15	15	Y	Y	
Victim 558	16	15	N	Y	
Victim 559	16	15	N	N	
Victim 560	15	15	N	N	
Victim 561	15	15	N	N	
Victim 562	15	15	N	Y	
Victim 563	15	15	N	Y	
Victim 564	15	15	N	Y	
Victim 565	15	15	N	Y	
Victim 566	15	15	N	Y	
Victim 567	15	15	N	N	
Victim 568	15	15	N	Y	
Victim 569	15	15	N	Y	
Victim 570	15	15	N	N	
Victim 571	15	15	N	Y	
Victim 572	15	15	N	Y	
Victim 573	15	15	N	Y	
Victim 574	15	15	N	N	
Victim 575	15	15	N	N	
Victim 576	15	15	N	Y	
Victim 577	15	15	N	N	
Victim 578	15	15	N	Y	
Victim 579	15	15	N	Y	
Victim 580	15	15	N	N	
Victim 581	15	15	N	Y	
Victim 582	15	15	N	N	
Victim 583	15	15	N	N	
Victim 584	15	15	N	Y	
Victim 585	15	15	N	Y	
Victim 586	15	15	N	Y	
Victim 587	15	15	N	N	
Victim 588	15	15	N	N	
Victim 589	15	15	N	Y	
Victim 590	15	15	N	N	
Victim 591	15	15	N	Y	
Victim 592	15	15	N	N	
Victim 593	15	15	N	N	
Victim 594	15	15	N	N	
Victim 595	15	15	N	N	
Victim 596	15	15	N	Y	
Victim 597	15	15	N	Y	
Victim 598	15	15	N	Y	

Victim 599	15	15	N	Y	
Victim 600	15	15	N	Y	
Victim 601	15	15	N	Y	
Victim 602	15	15	N	N	
Victim 603	15	15	N	Y	
Victim 604	15	15	N	N	
Victim 605	15	15	N	N	
Victim 606	15	15	N	N	
Victim 607	15	15	N	Y	
Victim 608	15	15	N	Y	
Victim 609	15	15	N	N	
Victim 610	15	15	N	Y	
Victim 611	15	15	N	Y	
Victim 612	15	15	N	Y	
Victim 613	15	15	N	N	
Victim 614	15	15	N	Y	
Victim 615	15	15	N	N	
Victim 616	15	15	N	Y	
Victim 617	15	15	N	Y	
Victim 618	15	15	N	N	
Victim 619	15	15	N	N	
Victim 620	15	15	N	N	
Victim 621	15	15	N	N	
Victim 622	15	15	N	N	
Victim 623	15	15	N	N	
Victim 624	15	15	N	N	
Victim 625	15	15	N	N	
Victim 626	15	15	N	N	
Victim 627	15	15	N	N	
Victim 628	15	15	N	N	
Victim 629	15	15	N	N	
Victim 630	15	15	N	N	
Victim 631	15	15	N	N	
Victim 632	15	15	N	N	
Victim 633	15	15	N	N	
Victim 634	15	15	N	N	
Victim 635	15	15	N	N	
Victim 636	15	15	N	N	
Victim 637	15	15	N	N	
Victim 638	15	15	N	N	
Victim 639	15	15	N	N	
Victim 640	15	15	N	N	
Victim 641	15	15	N	N	
Victim 642	15	15	N	N	
Victim 643	15	15	N	N	

Victim 644	14	15	N	N	
Victim 645	57	16	N	N	
Victim 646	36	16	N	N	
Victim 647	35	16	N	N	
Victim 648	33	16	N	Y	
Victim 649	29	16	N	Y	
Victim 650	26	16	N	Y	
Victim 651	25	16	N	Y	
Victim 652	21	16	N	N	
Victim 653	21	16	N	Y	
Victim 654	20	16	N	N	
Victim 655	19	16	N	N	
Victim 656	18	16	N	Y	
Victim 657	18	16	N	Y	
Victim 658	16	16	Y	Y	
Victim 659	16	16	Y	Y	
Victim 660	16	16	Y	N	
Victim 661	17	16	N	N	
Victim 662	17	16	N	Y	
Victim 663	17	16	N	N	
Victim 664	17	16	N	N	
Victim 665	17	16	N	Y	
Victim 666	17	16	N	N	
Victim 667	17	16	N	N	
Victim 668	17	16	N	N	
Victim 669	17	16	N	N	
Victim 670	17	16	N	N	
Victim 671	17	16	N	N	
Victim 672	16	16	N	N	
Victim 673	16	16	N	Y	
Victim 674	16	16	N	Y	
Victim 675	16	16	N	Y	
Victim 676	16	16	N	Y	
Victim 677	16	16	N	Y	
Victim 678	16	16	N	N	
Victim 679	16	16	N	N	
Victim 680	16	16	N	N	
Victim 681	16	16	N	N	
Victim 682	16	16	N	N	
Victim 683	16	16	N	Y	
Victim 684	16	16	N	N	
Victim 685	16	16	N	N	
Victim 686	16	16	N	N	
Victim 687	16	16	N	Y	
Victim 688	16	16	N	Y	

Victim 689	16	16	N	N	
Victim 690	16	16	N	N	
Victim 691	16	16	N	N	
Victim 692	16	16	N	N	
Victim 693	16	16	N	N	
Victim 694	16	16	N	N	
Victim 695	16	16	N	Y	
Victim 696	16	16	N	Y	
Victim 697	16	16	N	Y	
Victim 698	16	16	N	N	
Victim 699	16	16	N	N	
Victim 700	16	16	N	N	
Victim 701	16	16	N	N	
Victim 702	16	16	N	N	
Victim 703	16	16	N	N	
Victim 704	16	16	N	N	
Victim 705	16	16	N	N	
Victim 706	16	16	N	N	
Victim 707	16	16	N	N	
Victim 708	16	16	N	N	
Victim 709	16	16	N	N	
Victim 710	16	16	N	N	
Victim 711	16	16	N	Y	
Victim 712	16	16	N	N	
Victim 713	16	16	N	N	
Victim 714	16	16	N	N	
Victim 715	16	16	N	N	
Victim 716	16	16	N	N	
Victim 717	16	16	N	N	
Victim 718	16	16	N	N	
Victim 719	47	17	N	Y	
Victim 720	44	17	N	N	
Victim 721	32	17	N	N	
Victim 722	30	17	N	N	
Victim 723	26	17	N	Y	
Victim 724	21	17	N	N	
Victim 725	20	17	N	N	
Victim 726	20	17	N	N	
Victim 727	19	17	N	N	
Victim 728	19	17	N	N	
Victim 729	19	17	N	N	
Victim 730	18	17	N	N	
Victim 731	17	17	Y	Y	
Victim 732	18	17	N	Y	
Victim 733	18	17	N	N	

Victim 734	18	17	N	N	
Victim 735	18	17	N	Y	
Victim 736	18	17	N	Y	
Victim 737	18	17	N	N	
Victim 738	18	17	N	N	
Victim 739	18	17	N	N	
Victim 740	18	17	N	N	
Victim 741	17	17	N	N	
Victim 742	17	17	N	N	
Victim 743	17	17	N	N	
Victim 744	17	17	N	N	
Victim 745	17	17	N	Y	
Victim 746	17	17	N	N	
Victim 747	17	17	N	N	
Victim 748	17	17	N	N	
Victim 749	17	17	N	Y	
Victim 750	17	17	N	N	
Victim 751	17	17	N	N	
Victim 752	17	17	N	Y	
Victim 753	17	17	N	N	
Victim 754	17	17	N	N	
Victim 755	17	17	N	Y	
Victim 756	17	17	N	Y	
Victim 757	17	17	N	N	
Victim 758	17	17	N	Y	
Victim 759	17	17	N	Y	
Victim 760	17	17	N	N	
Victim 761	17	17	N	Y	
Victim 762	17	17	N	Y	
Victim 763	17	17	N	Y	
Victim 764	17	17	N	N	
Victim 765	17	17	N	Y	
Victim 766	17	17	N	Y	
Victim 767	17	17	N	N	
Victim 768	17	17	N	Y	
Victim 769	17	17	N	N	
Victim 770	17	17	N	N	
Victim 771	17	17	N	Y	
Victim 772	17	17	N	N	
Victim 773	17	17	N	N	
Victim 774	17	17	N	N	
Victim 775	17	17	N	N	
Victim 776	17	17	N	N	
Victim 777	17	17	N	N	
Victim 778	17	17	N	N	

Victim 779	17	17	N	N	
Victim 780	17	17	N	N	
Victim 781	17	17	N	N	
Victim 782	17	17	N	N	
Victim 783	0	<1	N	Y	
Victim 784	0	<1	N	Y	
Victim 785	0	<1	N	Y	
Victim 786	0	<1	N	Y	
Victim 787	0	<1	N	Y	
<b>TOTAL VICTIM 787</b>				<b>TOTAL YES SVC 73</b>	<b>TOTAL ELIGIBLE 481</b>
			<b>TOTAL NO SVC 714</b>	<b>TOTAL NOT ELIGIBLE 306</b>	

Cases	Victim	YEAR CLOSED	Age of victim at time of offense	Representation by SVC/VLC	Article 6b appointed (and if so, the basis)	Nature of the representative's relationship to the victim	Conflicts between the victim's or representative's expressed wishes and the best interests of victim	Guardian ad litem appointment: if so, how and by whom?
2018								
1	1		13	No	Yes (Recommended by Gov't and Unopposed by Defense)	Mother	No	No
2	2		6	No	No	N/A	N/A	No
	3		4	No	No	N/A	N/A	No
3	4		4	YES	YES (alleged victim was dependent of SM accused of child sexual abuse)	Mother	Unknown/No conflicts made known to the court	No
4	5		2 to 5	NO	YES (alleged victim was dependent of SM accused of child sexual abuse)	Adoptive mother	Unknown/No conflicts made known to the court	No
	6		5 to 8	NO	YES (alleged victim was dependent of SM accused of child sexual abuse)	Adoptive mother	Unknown/No conflicts made known to the court	No
	7		5 to 6	NO	YES (alleged victim was minor son of accused's neighbor)	Legal Guardian	Unknown/No conflicts made known to the court	No
5	8		11	YES	YES (Basis unknown)	Relationships unknown	Conflicts unknown	Unknown
6	9		4	YES	YES (Basis unknown)	Relationships unknown	Conflicts unknown	Unknown
7	10		14	YES	YES (alleged victim was minor daughter of accused's girlfriend)	Mother	Unknown/No conflicts made known to the court	No
8	11		3	No	No	None Appointed	No known conflicts	No
9	12		12	No	No	None Appointed	No known conflicts	No
10	13		17	No	No	None Appointed	No known conflicts	No
11	14		10	YES	No	None Appointed	Unknown	No
12	15		12	YES	No	None Appointed	Unknown	No
2019								
1	1		15	No	Yes; victim under 18, child of civilians in another country	Mother	Victim would have testified on behalf of the accused	No
2	2		Unknown	SVC	Yes (Recommended by Gov't and Unopposed by Defense)	Mother	No	No
3	3		Unknown	No	Yes (Recommended by Gov't and Unopposed by Defense)	Adoptive Mother/sole custodian	No	No
4	4		16	SVC	Yes (Recommended by Gov't and Unopposed by Defense)	Caretaker with POA/Distant Relative	No	No
5	5		13	No	W was a young teenager, A was father; mother of V was non-committal to supporting the prosecution	Two were appointed. Initially was the OSJA Victim-Witness Liaison, then later the family of the victim retained its own counsel for the child who assumed role	Unknown	Unknown
	6		14	No	Yes; victim under 18	father	Unknown	No
6	7		15	No	Yes; victim under 18	mother	Unknown	No
7	8		8	Yes	Yes; victim under 18	mother	Unknown	No
8	9		13	No	Yes; victim under 18	grandmother residing with victim	Yes	No
9	10		10	No	Yes; victim under 18	mother	Unknown	No
10	11		15	Yes	YES (alleged victim was dependent of SM accused of child sexual abuse)	Guardian ad Litem (mother was implicated/conflicted to serve)	Unknown. Upon recantation, the alleged victim's interests (and the wishes of her SVC) no longer aligned with the prosecution. The case was dropped prior to trial. The GAL never made a conflicting best-interest of the child argument to the court	Yes (by a state court relating to the child's removal action)
	12		11	Yes	No	None Appointed	Unknown	No
11	13		11	No	No	None Appointed	Unknown	No
12	14		7	Yes	No	None Appointed	Unknown	No

**RFI Set 15, Question 1**

**Navy Response:**

Victim #	Calendar Year (Report Date)	Victim Age On Incident Date	VLC (Post-RLSO) Response	Art. 6b Rep Appointed	GAL Appointed	Pay Grade	Service	Alt Dispo Date	Disposition Date
1	2015	6	Yes	Yes	Yes	O-3	USN		20-Dec-17
3	2014	14	No	No	No	O-1	USN		12-Dec-17
4	2014	15	No	No	No	O-1	USN		12-Dec-17
6	2017	17	No	No	No	E-5	USN	5-Jan-18	
7	2017	14	No	No	No	E-3	USN	11-Dec-17	
8	2017	15	Yes	No	No	E-4	USN	12-Jan-18	
9	2017	13	No	No	No	E-5	USN	2-Nov-17	
10	2017	15	No	No	No	E-7	USN	4-Jan-18	
11	2016	17	No VLC for r	No	No	E-4	USN	27-Jun-18	
12	2017	2	No	No	No	E-4	USN	1-Mar-18	
13	2017	15	Not our case.			E-7	USN	27-Dec-18	
15	2016	3	No	No	No	O-3	USN		27-Feb-18
16	2017	12	No	No	No	E-6	USN	30-Jul-18	
17	2017	14	No	No	No	E-6	USN	16-Mar-18	
18	2015	10	No	Yes	No	E-6	USN		15-Mar-18
20	2015	12		No. Case r	Unknown	E-6	USN	25-Jul-18	
21	2017	11	Yes	Yes	No	E-8	USN		16-Mar-18
22	2018	not listed	No	No	No	E-2	USN	3-May-18	
24	2017	13	No	No	No	E-5	USN	26-Apr-18	
25	2017	not listed	No	Yes	No	E-4	USN	29-Mar-18	
26	2016	15			Unknown	E-4	USN		14-Feb-18
27	2017	15	No	No	No	E-3	USN	4-Apr-18	
29	2018	5		No. Case t	Unknown	E-4	USN	2-Oct-18	
30	2018	16	No	No	No	E-6	USN	4-Jun-18	

31	2017	12	No	No	No	E-5	USN	9-Aug-18	
35	2017	16		No. Case r	Unknown	E-7	USN	26-Jul-18	
36	2016	14		No. Case r	unknown	E-3	USN	19-Jul-18	
37	2017	4	Yes	No	No	O-4	USN	15-Jun-18	
38	2017	14	NOT CORRECT			E-5	USN	27-May-19	
39	2017	4	Yes	No	No	E-6	USN	12-Jul-18	
40	2017	13		No. Case r	unknown	E-3	USN	26-Mar-18	
42	2017	5	No	No	No	E-6	USN	5-Jan-18	
43	2017	7	No	No	No	E-6	USN	5-Jan-18	
44	2018	15	No	No	No	E-5	USN		8-Jun-18
45	2017	8	No	Yes	No	E-6	USN		25-Jun-18
46	2017	9	No	Yes	No	E-6	USN		25-Jun-18
47	2017	11	No	Yes	No	E-6	USN		25-Jun-18
48	2018	16	No	No	No	E-3	USN	3-Aug-18	
50	2018	6	No.	No	No	E-5	USN	30-Aug-18	
52	2017	10	No	No	No	O-3	USN	8-Aug-18	
55	2016	15	No	No	No	E-5	USN	17-Aug-18	
56	2016	11	No	No	No	E-6	USN	10-Jan-18	
58	2017	9	No	No	No	E-5	USN	4-Sep-18	
61	2017	3	No	No	No	O-6	USN	2-Aug-18	
62	2017	10	FR advised	No	No	E-6	USN	15-Sep-18	
63	2017	14	No	No	No	E-3	USN	9-Aug-18	
64	2018	11	Yes	Yes	No	E-5	USN		1-Oct-18
68	2018	15	No	No	No	E-3	USN	12-Oct-18	
70	2015	12	Yes	Yes	No	E-5	USN		27-Sep-18
71	2015	11	Yes	Yes	No	O-4	USN		31-Oct-18
72	2018	10	Yes	No	No	E-6	USN	19-Dec-18	
73	2017	2	Yes for adult	No. Child a	unknown	E-3	USN		18-Nov-19
74	2018	8	No	No	No	E-5	USN	30-Jul-18	
75	2018	11	No	No	No	E-5	USN	30-Jul-18	
76	2017	15	No	No	No	E-7	USN	23-Jan-19	
77	2016	13	No	No	No	E-4	USN	4-Aug-17	
78	2016	13	Yes	Yes	No	E-6	USN		14-Sep-18
80	2018	9	Yes	Yes	No	E-5	USN		7-Dec-18
82	2017	not listed	No	No	No	E-7	USN	17-Dec-18	
83	2018	0	No	No	No	E-6	USN	6-Sep-18	
84	2018	6	No	No	No	E-6	USN	6-Sep-18	

85	2018	15	No	No	No	E-6	USN	7-Nov-18	
87	2015	14	No	No	No	O-3	USN	13-Jun-17	
88	2018	15	No	No	No	E-2	USN	2-Jan-19	
90	2017	14	No	No	No	E-7	USN	4-Jan-19	
91	2017	13, 15; 2 vics	No	No	No	E-6	USN		
93	2018	15	No. However	No	No	E-1	USN	2-Jan-19	
94	2018	15		No. Case n	unknown	E-3	USN	9-May-19	
96	2018	11	No	No	No	E-3	USN	17-Dec-18	
97	2018	14		No. Case n	unknown	E-3	USN	5-Feb-19	
98	2018	15		No. Case n	unknown	E-3	USN	18-Jan-19	
100	2018	14	No	No	No	E-4	USN	11-Jul-18	
101	2019	13	No (there wa	No	No	E-6	USN	14-Mar-19	
102	2017	12		Yes.	unknown	E-7	USN		1-Mar-19
103	2018	10	No	No	No	E-6	USN	14-Mar-19	
105	2017	8	No	No	No	O-2	USN	10-Jul-18	
106	2018	7		Yes.	unknown	E-7	USN	15-Jul-19	
107	2018	11	No	Yes	No	E-7	USN		27-Mar-19
109	2017	14	No	No	No	E-3	USN		4-Apr-19
110	2018	10	Yes	No. Case n	unknown	E-7	USN	15-Feb-17	
111	2017	17		No. Case n	unknown	E-7	USN	29-Jul-16	
112	2017	14	No	No	No	E-4	USN	28-Nov-18	
113	2017	14	No	No	No	E-4	USN		4-Oct-17
114	2017	14	No	No	No	E-4	USN	28-Nov-18	
115	2017	14	No	No	No	E-4	USN	28-Nov-18	
120	2017	17	No	No	No	E-3	USN	28-Nov-18	
121	2018	14	Yes	No	No	E-4	USN	2-May-19	
122	2017	14		Unknown.	unknown	O-2	USN	1-Apr-19	
124	2018	5	No	No	No	E-8	USN	9-May-19	
127	2019	15		No. Case n	unknown	E-3	USN		
128	2018	1	No	No	No	E-4	USN		12-Jun-19
129	2017	2	No	No	No	E-6	USN	7-Jun-19	
131	2017	11	No	No	No	E-7	USN	11-Jul-17	
132	2017	15	No	No	No	E-7	USN	11-Jul-17	
133	2017	Not listed	Yes	No	No	O-3	USN	14-Jun-19	
135	2019	6	Yes	No	No	E-5	USN		19-Jul-19

136	2019	8	Yes	No	No	E-5	USN		19-Jul-19
137	2018	9	No	No	No	E-6	USN	11-Jul-19	
138	2018	10		No. Case r	unknown	E-6	USN	12-Jul-19	
139	2017	15	No	No	No	E-1	USN	27-Feb-18	
140	2018	10	Yes	No.	unknown	E-6	USN		29-Jul-19
141	2018	13	Yes	No.	unknown	E-6	USN		29-Jul-19
142	2018	14	Yes	No.	unknown	E-6	USN		29-Jul-19
143	2018	16		Unknown.	unknown	E-6	USN	31-Jul-18	
144	2018	9	No	No	No	E-6	USN	26-Jul-19	
145	2017	9	No	No	No	E-7	USN	26-Aug-19	
146	2018	14	Yes	No	No	E-8	USN	10-Jul-19	
148	2018	3	Yes	Yes.	unknown	E-5	USN		2-Jul-19
149	2015	14	Yes	No	No	CIV	USN		
150	2019	16		No. Case r	unknown	E-4	USN	3-Dec-19	
151	2017	15	No	No	No	E-4	USN	10-Jul-19	
154	2017	6	Yes	No	No	E-4	USN		24-Oct-19
155	2019	4	Yes	Yes	Yes	O-3	USN		20-Dec-17
156	2017	11	Yes	No	No	E-9	USN	9-Jul-19	
157	2017	16		No. Case r	unknown	E-5	USN		
158	2016	17	No	No	No	O-1	USN		12-Dec-17
159	2017	16	No	No	No	E-2	USN	23-Jan-18	
160	2017	17	No	No	No	E-3	USN		6-Dec-17
162	2018	17	Yes	No	No	E-4	USN	30-Aug-17	
164	2017	17	No	No	No	E-4	USN	4-Jun-18	
165	2017	16	Yes	No	No	E-4	USN		12-Jul-18
167	2018	16				E-2	USN	10-Oct-18	
169	2017	17	Yes			E-1	USN	30-Oct-18	
171	2018	17	No	No	No	E-2	USN	28-Feb-19	
172	2018	17	No	No	No	E-3	USN	2-Apr-19	
173	2019	17	No	No	No	E-4	USN		
174	2018	16	No	No	No	E-6	USN	22-May-19	
175	2019	16	No	No	No	E-2	USN	5-Dec-19	
176	2018	16	No	No	No	E-5	USN		
177	2018	15	No	No	No	E-2	USMC	16-Jun-18	
178	2018	15	No	No	No	E-3	USMC	31-Aug-18	
179	2016	16	No	No. Case r	unknown	E-6	USMC	12-Jun-17	
180	2018	16	No	No	No	E-2	USMC	29-May-19	
181	2017	18	No	No	No	E-4	USMC	9-Apr-18	

**Note for Question 1:** The Navy response to Questions 1 is contained in attachment 1; a spreadsheet containing NCIS and CMS data [*Columns from attachment 1 without PII reproduced above*]. The Navy does not track the data elements in questions c-f. The responses contained in columns O and P of attachment 1 were determined, to the extent possible, from records of trial and legal office notes.

**Answer 1a:** NCIS identified 181 separate victims contained in military investigations closed in calendar years 2018 and 2019<sup>1</sup> involving service members meeting the above parameters. The age of the victim is contained in column I of attachment 1<sup>2</sup>. Of the victims listed, 134 victims corresponded to cases contained in CMS. Not every listed victim corresponded to a case contained in the Navy case Management System (CMS) since NCIS may open investigations that are being investigated by civilian jurisdictions and monitor those cases. A Region Legal Services Office (RLSO) may not review or open cases in CMS that are only being monitored by Naval Criminal Investigatory Service (NCIS).

**Answer 1b:** Column N of attachment 1 contains information concerning VLC representation of the minor victim.

**Answer 1c:** The Navy does not track Article 6b, UCMJ, appointments. However, Navy and Marine Corps courts-martial are both presided over by military judges of the Navy-Marine Corps Trial Judiciary. Rule 38 of the trial judiciary's Uniform Rules of Practice outlines procedures for appointing a designee in cases involving a child victim. Specifically, Rule 38.1 requires the parties and VLC, if applicable, to submit a recommendation regarding the appointment before the first session of court. Column O of attachment 1 contains information concerning the appointment of an Article 6b representative in each case.

**Answer 1d:** In each instance where there was an Article 6b representative appointed, we requested a copy of the appointing order, if available. Copies of those appointing orders are contained in attachment 2 to this response [*Not releasable by DAC-IPAD*]. The relationship of the victim to the appointed represented is reflected in the appointing orders.

**Answer 1e:** The Navy does not track this information.

**Answer 1f:** The Navy does not track this information. However, from records of trial or case notes there were two cases in which a guardian ad litem was appointed to represent a victim as reflected in column P of the attachment 1.

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<sup>1</sup> In five cases, the Navy prosecuted Marine Corps servicemembers.

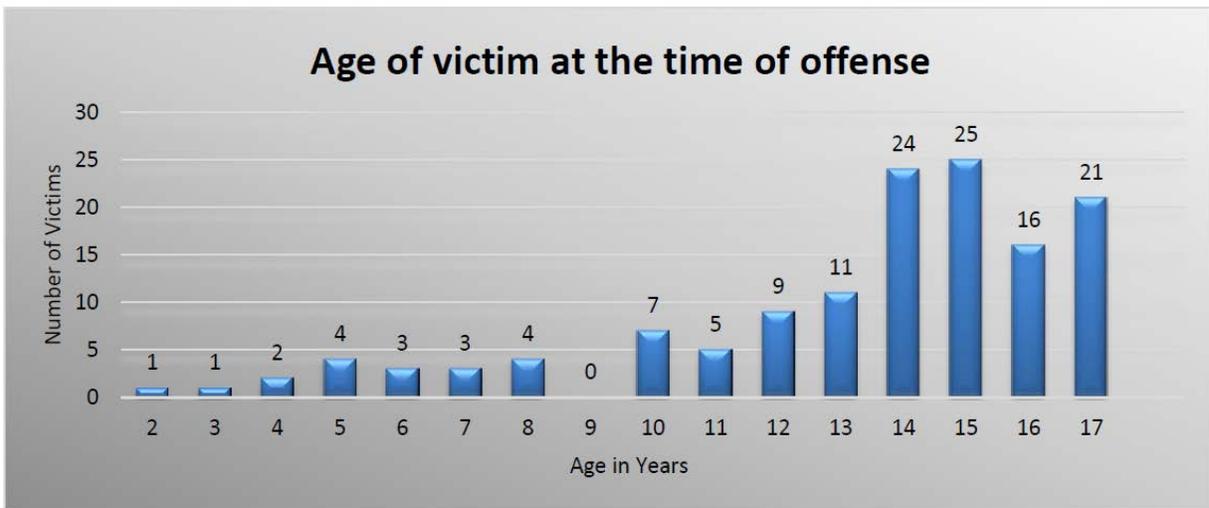
<sup>2</sup> In four cases, the victim's age was unknown or could not be determined from the records reviewed.

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**RFI Set 15, Question 1**  
**Marine Corps Response:**

**Answer 1a:** Naval Criminal Investigatory Service (NCIS) identified 144 military investigations involving Marine alleged offenders meeting the above parameters, while the Air Force Office of Special Investigations (OSI) identified one. A list of cases is provided. The ages of the victims listed in these investigations are as follows<sup>1</sup>:

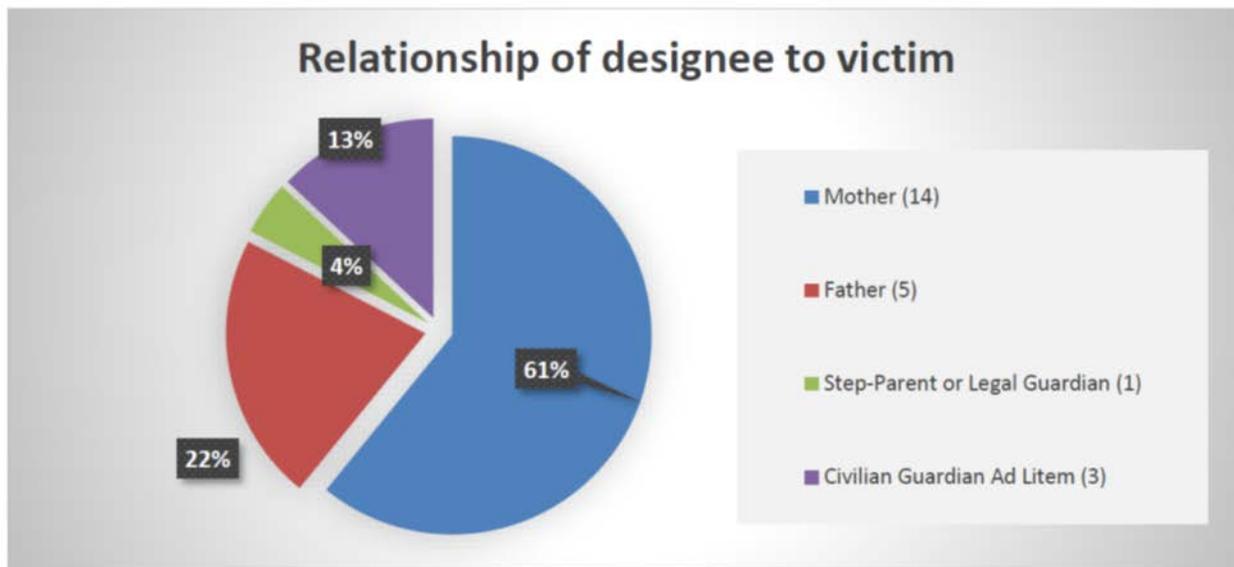
<sup>1</sup>In seven cases, the victim's age was reported as under 18, but the victim's identity or exact age was either unknown or was not listed in the investigation.



**Answer 1b:** A VLC represented fifteen out of the 144 victims (10.4%).

**Answer 1c:** A military judge appointed a designee in accordance with R.C.M. 801 for 22 victims. Because this data field is not tracked in any electronic case management system, this number is based on responses from local prosecution offices (Legal Services Support Sections) and is not tied to individual cases. Navy and Marine Corps Courts-Martial are both presided over by military judges of the Navy-Marine Corps Trial Judiciary. Rule 38 of the trial judiciary's Uniform Rules of Practice outlines procedures for appointing a designee in cases involving a child victim. Specifically, Rule 38.1 requires the parties and VLC, if applicable, to submit a recommendation regarding the appointment before the first session of court. The recommendation must include a standard appointment form promulgated by the court for this purpose. There were no cases where a minor victim requested not to have a designee appointed, although there were two cases where the victim had reached adulthood by the time of trial and therefore did not require a designee.

**Answer 1d:** In 20 out of 23 cases, a parent or legal guardian was appointed as the victim’s designee. Three civilian guardians ad litem were appointed. Two of those were in the same case when the guardian ad litem needed to be replaced due to a scheduling conflict.



**Answer 1e:** The government is not aware of any conflicts between a victim or victim’s representative’s expressed wishes and the best interests of the victim.

**Answer 1f:** There were two cases in which a military judge appointed a civilian guardian ad litem as the victim’s designee under R.C.M. 801. In both of these cases the applicable trial counsel believed there was not another suitable designee and worked with local civilian prosecutors to find a guardian ad litem. The guardians ad litem selected performed similar duties for child victims in civilian trials within the local jurisdictions.

Calendar Year (Report Date)	Report Agency/Branch of Service	Close Date	Victim Age On Incident Date	Suspect Branch Of Service	VL
2016	NCIS	01/03/2018	12	USMC	
2016	NCIS	01/25/2018	13	USMC	
2017	NCIS	01/30/2018	15	USMC	
2017	NCIS	01/31/2018	12	USMC	
2017	NCIS	02/08/2018	17	USMC	
2017	NCIS	02/09/2018	14	USMC	
2017	NCIS	02/16/2018	14	USMC	
2017	NCIS	03/01/2018	10	USMC	Yes, C
2018	NCIS	03/06/2018	not listed	USMC	
2016	NCIS	03/30/2018	14	USMC	
2016	NCIS	03/30/2018	13	USMC	
2017	NCIS	04/02/2018	15	USMC	Yes, C
2016	NCIS	04/10/2018	13	USMC	
2017	NCIS	04/26/2018	15	USMC	
2016	NCIS	05/08/2018	11	USMC	
2016	NCIS	05/15/2018	15	USMC	
2017	NCIS	05/16/2018	15	USMC	
2018	NCIS	05/23/2018	13	USMC	NO
2017	NCIS	05/24/2018	15	USMC	
2017	NCIS	06/03/2018	15	USMC	Yes/Ca
2017	NCIS	06/04/2018	7	USMC	
2017	NCIS	06/04/2018	4	USMC	Yes/ M
2017	NCIS	06/04/2018	5	USMC	Yes/ M
2017	NCIS	06/06/2018	8	USMC	
2017	NCIS	06/06/2018	12	USMC	
2017	NCIS	06/19/2018	15	USMC	No, nc
2016	NCIS	06/26/2018	12	USMC	Yes, C
2017	NCIS	06/26/2018	15	USMC	Yes, C
2018	NCIS	07/02/2018	14	USMC	
2018	NCIS	07/12/2018	15	USMC	

2017	NCIS	07/17/2018	6	USMC	
2017	NCIS	07/18/2018	14	USMC	
2016	NCIS	07/26/2018	13	USMC	
2017	NCIS	07/27/2018	13	USMC	
2015	NCIS	08/05/2018	14	USMC	
2017	NCIS	08/06/2018	5	USMC	
2018	NCIS	08/06/2018	15	USMC	
2018	NCIS	08/07/2018	12	USMC	
2016	NCIS	08/14/2018	10	USMC	
2016	NCIS	08/14/2018	11	USMC	
2016	NCIS	08/17/2018	11	USMC	
2016	NCIS	08/23/2018	15	USMC	
2017	NCIS	09/04/2018	10	USMC	
2018	NCIS	09/06/2018	15	USMC	
2018	NCIS	09/20/2018	14	USMC	
2018	NCIS	09/25/2018	14	USMC	
2017	NCIS	10/10/2018	14	USMC	No
2018	NCIS	10/15/2018	6	USMC	
2018	NCIS	10/24/2018	10	USMC	
2018	NCIS	11/02/2018	16	USMC	
2018	NCIS	11/25/2018	14	USMC	
2016	NCIS	11/26/2018	16	USMC	
2016	NCIS	12/12/2018	14	USMC	
2017	NCIS	12/12/2018	15	USMC	Yes,C
2018	NCIS	12/17/2018	>14	USMC	
2018	NCIS	01/02/2019	15	USMC	

2017	NCIS	01/03/2019	5	USMC	
2017	NCIS	01/03/2019	7	USMC	
2017	NCIS	01/08/2019	15	USMC	Yes, C
2018	NCIS	01/10/2019	14	USMC	
2017	NCIS	01/11/2019	15	USMC	Yes, C
2018	NCIS	01/16/2019	not listed	USMC	
2017	NCIS	01/17/2019	13	USMC	
2017	NCIS	01/23/2019	15	USMC	
2018	NCIS	01/28/2019	11	USMC	
2017	NCIS	02/19/2019	16	USMC	
2018	NCIS	02/20/2019	16	USMC	V/ dec
2018	NCIS	02/21/2019	12	USMC	
2016	NCIS	03/01/2019	15	USMC	
2018	NCIS	03/01/2019	15	USMC	
2018	NCIS	03/21/2019	3	USMC	
2019	NCIS	04/02/2019	4	USMC	
2017	NCIS	04/09/2019	12	USMC	
2017	NCIS	04/15/2019	15	USMC	Yes, C
2018	NCIS	04/15/2019	13	USMC	
2018	NCIS	04/15/2019	15	USMC	
2018	NCIS	04/23/2019	16	USMC	
2018	NCIS	05/07/2019	16	USMC	
2018	NCIS	05/07/2019	15	USMC	
2019	NCIS	05/07/2019	12	USMC	
2017	NCIS	05/09/2019	14	USMC	
2017	NCIS	05/13/2019	18	USMC	
2017	NCIS	05/29/2019	14	USMC	
2018	NCIS	05/30/2019	5	USMC	
2017	NCIS	06/03/2019	2	USMC	
2018	NCIS	06/04/2019	Not listed	USMC	
2018	NCIS	06/04/2019	Not listed	USMC	
2018	NCIS	06/04/2019	Not listed	USMC	
2018	NCIS	06/04/2019	8	USMC	
2018	NCIS	06/04/2019	10	USMC	
2018	NCIS	06/04/2019	11	USMC	
2017	NCIS	06/18/2019	14	USMC	

2018	NCIS	06/19/2019	14	USMC	NO
2019	NCIS	06/20/2019	13	USMC	
2018	NCIS	06/25/2019	8	USMC	
2018	NCIS	06/29/2019	12	USMC	
2018	NCIS	07/08/2019	13	USMC	
2018	NCIS	07/11/2019	6	USMC	
2018	NCIS	07/16/2019	7	USMC	Yes, M
2019	NCIS	07/26/2019	15	USMC	
2019	NCIS	08/01/2019	14	USMC	
2019	NCIS	08/14/2019	16	USMC	
2018	NCIS	09/03/2019	10	USMC	
2017	NCIS	09/11/2019	14	USMC	
2017	NCIS	09/18/2019	13	USMC	
2018	NCIS	10/07/2019	14	USMC	
2019	NCIS	10/11/2019	14	USMC	
2019	NCIS	10/24/2019	16	USMC	
2018	NCIS	10/28/2019	13? unID'd V/	USMC	
2017	NCIS	11/15/2019	8	USMC	Yes, M
2019	NCIS	11/15/2019	16	USMC	
2018	NCIS	11/26/2019	14	USMC	
2017	NCIS	11/29/2019	14	USMC	
2019	NCIS	12/11/2019	14	USMC	Not re
2019	NCIS	12/17/2019	10	USMC	
2019	NCIS	12/20/2019	14	USMC	

## RFI Set 15, Question 1

### Air Force Response:

The Air Force does not track the data elements in questions c-e. These responses are provided only insofar as we could determine them from records of trial and legal office case notes.

Air Force Cases Involving Minor Victims CY 2018

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
1	17	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
2	17	Yes	No	Ineligible for Art 6b representative - military member		Unknown	Unknown
3	15	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
4	16			Ineligible for Art. 6b representative - over 18 at time of report			
5	15	Yes	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
6	13	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
7	8	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
8	5	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
9		Yes	No/civ	No/no trial (pre 2019)	N/A	Unknown	Unknown
10	17			Ineligible for Art. 6b representative - over 18 at time of report			
11	12	Yes	Yes	Yes	Family friend, chaplain's spouse	Unknown	No
12	7	Yes	Yes	Yes	Family friend, chaplain's spouse	Unknown	No
13	2	No/eligible	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
14	15	No/ineligible	No	No/no trial (pre 2019)	N/A	Unknown	No
15	16	No/ineligible?	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	No
16	12			Ineligible for Art. 6b representative - over 18 at time of report			
17	13	Yes	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	No
18	14	Yes	No	No (pre 2019)	N/A	Unknown	Unknown
19	7	No/requested but ineligible	Yes	No (pre 2019)	N/A	Unknown	Unknown

Yellow Rows - Victim over 18 at time offense reported.  
Green Rows - Victim under 18 at time offense reported.

Air Force Cases Involving Minor Victims CY 2018

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
20	16			Ineligible for Art. 6b representative - over 18 at time of report			
21	11	Yes	Yes	Yes	Mother	Unknown	No
22	13	Yes	No	No/no trial (pre 2019)	N/A	Victim's father declined on victim's behalf	Unknown
23	10	No	No	No/no trial (pre 2019)	N/A	Mother declined to testify/have vchildren testify	Unknown
24	10	No info available					
25	15	No	No/civ juris	No/No trial (pre 2019)	N/A	Unknown	Unknown
26	12	Yes	Yes	No (pre 2019)	N/A	Testifie for defense	Unknown
27	17	No/ineligible	Yes	No/no trial (pre 2019)	N/A	Unknown	N/A
28	1	No	No	No/no trial (pre 2019)	N/A	Unknown	No
29	10	No/eligible	No	No/no trial (pre 2019)	N/A	Unknown	No
30	1	No/eligible	No	No/no trial (pre 2019)	N/A	Mother recanted allegation	Unknown
31	4	No	No	No/no trial (pre 2019)	N/A	N/A	No
32	17			Ineligible for Art. 6b representative - over 18 at time of report			
33	4	No	No	No/no trial (pre 2019)	N/A	Unknown	No
34	14	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
35	15	No/ineligible	Yes	Yes	VWAP liaison	Unknown	Unknown
36	14	No/ineligible	Yes	No/referral but no trial	N/A	Vic's father declined to have vic participate	Unknown
37		No/unidentified	No	No/no trial (pre 2019)	N/A	No	No
38	15	No	No	No/no trial (pre 2019)	N/A	Unknown	No
39		No	No	No/no trial (pre 2019)	N/A	Unknown	No
40	16	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
41	14	Yes	Yes	Yes	Mother	Victim desired charges be dismissed and did not want to testify	No
42	3	Yes	Yes	No/no trial (pre 2019)	N/A	Vic declined to testify	
43	11	No/ineligible	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
44	14			Ineligible for Art. 6b representative - over 18 at time of report			

Yellow Rows - Victim over 18 at time offense reported.  
 Green Rows - Victim under 18 at time offense reported.

Air Force Cases Involving Minor Victims CY 2018

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
45	17	Detailed but client non-responsive	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
46	15	No/ineligible	Yes	No/no trial (pre 2019)	N/A	Victim's father declined on victim's behalf to participate	Unknown
47	16	Yes	Yes	No/no trial (pre 2019)	N/A	Unknown	No
48	14	No	No	No/no trial (pre 2019)	N/A	Vic declined to participate	Unknown
49	4	No info available					Unknown
50	17	No/ineligible	Yes	No/18 by time of referral	N/A	Unknown	Unknown
51	17	No/ineligible	Yes	No/18 by time of referral	N/A	Unknown	Unknown
52	3	No/eligible	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
53	14	Yes	No	No/no trial (pre 2019)	N/A	Victim declined to participate	Unknown
54	8 month old	Yes	Yes	Yes	Family friend	No	No
55	9 month old	Yes	Yes	Yes	Family friend	No	No
56	5	No	Yes	Yes	Grandmother (custody holder at time)		Yes - in civil custody matter
57	6	No	Yes	Yes	Grandmother (custody holder at time)		Yes - in civil custody matter
58	15	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
59	15	No	Yes	No (pre 2019)	N/A	Victim did not want sub to go to jail	
60	2	No/eligible	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
61	15	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
62	15	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
63	17	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
64	15	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
65	14	No/ineligible	Yes	No/referral but no trial	N/A	Unknown	Unknown
66	16	No	Yes	No (pre 2019)	N/A	Unknown	Unknown
67	17	No	Yes	No (pre 2019)	N/A	Unknown	Unknown

Yellow Rows - Victim over 18 at time offense reported.  
 Green Rows - Victim under 18 at time offense reported.

Air Force Cases Involving Minor Victims CY 2018

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
68	15	No	Yes	No (pre 2019)	N/A	Unknown	Unknown
69	14	No	Yes	No (pre 2019)	N/A	Unknown	Unknown
70	16	No	Yes	No (pre 2019)	N/A	Unknown	Unknown
71	16	No	Yes	No (pre 2019)	N/A	Unknown	Unknown
72	15	No	Yes	No (pre 2019)	N/A	Unknown	Unknown
73	17	No/ineligible	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
74	14	No/ineligible	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
75	15	Yes	Yes	No (pre 2019)	N/A	Unknown	Unknown
76	14	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
77	2	No/eligible	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
78	15	No/ineligible	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
79	15	No/ineligible	Yes	No (pre 2019)	N/A	Unknown	Unknown
80	9	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
81	7	No	Yes	Yes	Mother	Unknown	Unknown
82	15	Yes	Yes	Yes	Father	Unknown	Unknown
83	14	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
84	13	Yes - civilian	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
85	7	No	Yes	No/no trial (pre 2019)?	N/A	Unknown	Unknown
86	9	Yes	Yes	Yes	Unknown	No	No
87	9	No/eligible	No	No/no trial (pre 2019)	N/A	Vic's mother declined to have vic participate	Unknown
88	12	No	Yes	Yes	Mother	Unknown	Unknown
89	14	No	No	No/no trial (pre 2019)	N/A	Unknown	No
90	15	Yes	No/civ juris	No/no trial (post 2019)	N/A	No	No
91	13	Yes	No	No/no trial (pre 2019)	N/A	No	Unknown
92	14	Yes	No	No/no trial (pre 2019)	N/A	No	Unknown
93	10	No	No	No/no trial (pre 2019)	N/A	No	Unknown
94	12	No	No	No/no trial (pre 2019)	N/A	No	Unknown
95	13	No	Yes	No (pre 2019)	N/A	Unknown	Unknown

Yellow Rows - Victim over 18 at time offense reported.  
 Green Rows - Victim under 18 at time offense reported.

Air Force Cases Involving Minor Victims CY 2018

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
96	15			Ineligible for Art. 6b representative - over 18 at time of report			
97	14	No	Yes	No (pre 2019)	N/A	Unknown	
98	14			Ineligible for Art. 6b representative - over 18 at time of report			
99	4	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
100	17	No	Yes	No/over 18 by time of referral	N/A	Unknown	No
101	13	No/ineligible	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	No
102	16	No	No	No/no trial (pre 2019)	N/A	Declined to participate	Unknown
103	-2	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
104	15	Yes	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	No
105	16	No	No	No/no trial (pre 2019)	N/A	Unknown	No
106	15	No	No	No/no trial (pre 2019)	N/A	Unknown	No
107	14			Ineligible for Art. 6b representative - over 18 at time of report			
108	15			Ineligible for Art. 6b representative - over 18 at time of report			
109	15	Yes	Yes	No (pre 2019)	N/A	Vic declined to testify but eventually agreed	Unknown
110		Yes	No	No/no trial (post 2019)	N/A	Vic declined to participate	Unknown
111	12	No	Yes	Yes	Local guardian ad litem	Art 6b Rep (GAL) indicated vic supported Ch 4 & did not want to testify. Trial counsel spoke to vic who stated she was willing to testify & did not support Ch 4.	Yes - appointed as Art 6b representative
112	17	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
113	14			Ineligible for Art. 6b representative - over 18 at time of report			
114	14	Yes	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
115	16	No	No	No/no trial (pre 2019)	N/A	Unknown	No
116	17	No	No	No/no trial (pre 2019)	N/A	Unknown	No

Yellow Rows - Victim over 18 at time offense reported.  
 Green Rows - Victim under 18 at time offense reported.

Air Force Cases Involving Minor Victims CY 2018

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
117	15	No	No	No/no trial (pre 2019)	N/A	Unknown	No
118		No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
119	15	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
120		No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown

**Air Force Cases Involving Minor Victims CY 2019**

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
121	17	Yes	No	No/no trial (pre 2019)	N/A	Unknown	No
122	12	No	No	No/no trial (pre 2019)	N/A	Vic through mother declined to participate	Unknown
123	13	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
124	?	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
125	13	No	No	No/no trial (pre 2019)	N/A	Declined to participate	Unknown
126	12	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
127	6	Yes	Yes	Yes	Mother	No	No
128	16	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
129	16	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
130	15	No	No	No/no trial (pre 2019)	N/A	Victim declined to participate	No
131	5	Yes	Yes	No/no trial (pre 2019)	N/A	Unknown	No
132	2	Yes	Yes	No/no trial (pre 2019)	N/A	Unknown	No
133	12	No	No	No/no trial (pre 2019)	N/A	Vic denied allegations/requested recision of MPO	Unknown
134	13	No	No	No/no trial (pre 2019)	N/A	Declined to participate	Unknown
135	5	No	No	No/no trial (pre 2019)	N/A	Victim and parents declined to cooperate	Unknown
136	14	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown
137	14	No	No	No/no trial (post 2019)	No	Unknown	Unknown
138	12	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
139	17	Yes	Yes	No/no trial (pre 2019)	N/A	Unknown	Unknown
140	11	No	No	No/no trial (pre 2019)	N/A	Vic/vic's mother did not participate	Unknown
141	14	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
142	17	Yes	No	No/no trial (pre 2019)	N/A	Unknown	No
143	15	No	Yes	No/no trial (pre 2019)	N/A	Vic at times uncooperative	Unknown
144	2	No	No	No/no trial (post 2019)	N/A	Vic's mother declined to participate/have vic participate	Unknown
145	5	No	No	No/no trial (post 2019)	N/A	Vic's mother declined to have vic participate	Unknown
146	13	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
147	8	Yes	No	No/no trial (post 2019)	N/A	Unknown	Unknown
148	16	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown

Yellow Rows - Victim over 18 at time offense reported.  
 Green Rows - Victim under 18 at time offense reported.

**Air Force Cases Involving Minor Victims CY 2019**

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
149	4 mos	No	Yes	Yes	Family friend	Unknown	Yes
150	2 yrs, 1 mo	No	Yes	Yes	Family friend	Unknown	Yes
151	2 yrs, 6 mo	Yes	Yes	Yes	Family friend	Unknown	Yes
152	17			Ineligible for Art. 6b representative - over 18 at time of report			
153	14	Yes	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
154	15	No	Yes	No (post 2019)	N/A	Unknown	Unknown
155	17	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown
156	15	No	Yes	No/no trial (post 2019)	N/A	Unknown	Unknown
157	17			Ineligible for Art. 6b representative - over 18 at time of report			
158	15	No	Yes	No (post 2019)	N/A	Unknown	Unknown
159	15	No	Yes	No (post 2019)	N/A	Unknown	Unknown
160	16	No	Yes	No (post 2019)	N/A	Unknown	Unknown
161	17	Yes	Yes	No (post 2019)	N/A	Unknown	Unknown
162	14	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
163	0	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown
164	6	Yes	Yes	No/trial spans 2018-2019	N/A	Unknown	No
165	15	No	Yes	Yes	Mother	Unknown	Unknown
166	15	No	No	No/no trial (pre 2019)	N/A	Vic through mother declined to participate	No
167	17			Ineligible for Art. 6b representative - over 18 at time of report			
168	17	No	No	No/no trial (post 2019)	N/A	Unknown	United Kingdom social worker appointed
169	17	No	No	No/no trial (post 2019)	N/A	Victim did not participate	Unknown
170	8	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown
171	11	Yes	Yes	Yes	Mother	Unknown	Unknown
172	15	No	No	No/no trial (post 2019)	N/A	Declined to participate	Unknown

Yellow Rows - Victim over 18 at time offense reported.  
 Green Rows - Victim under 18 at time offense reported.

**Air Force Cases Involving Minor Victims CY 2019**

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
173	6	No	Yes	Yes	Mother	Unknown	Unknown
174	6	No	Yes	Yes	Mother	Unknown	Unknown
175	11	No	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	Unknown
176	6	Yes	No	No/no trial (post 2019)	N/A	Unknown	Unknown
177	2	No	Yes	No/no trial (post 2019)	N/A	Unknown	Unknown
178	10	Yes	Yes	No/over 18 at time of CM	N/A	Unknown	Unknown
179	6	Yes	Yes	Yes	Mother	Unknown	Unknown
180	7	Yes	Yes	Yes	Mother	Unknown	Unknown
181	17	No	No	No/no trial (pre 2019)	N/A	Through parents declined to participate	Unknown
182	17	No	No	No/no trial (pre 2019)	N/A	Through parents declined to participate	Unknown
183	5	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown
184	17	Yes	No	No/no trial (post 2019)	N/A	Unknown	Unknown
185	12	Yes	Yes	No (post 2019)	N/A	Unknown	Unknown
186	14	Yes	Yes	Yes	Paternal aunt	Unknown	Unknown
187	25			Ineligible for Art. 6b representative - over 18 at time of report			
188	13	No	Yes	No (pre 2019)	N/A	Unknown	No
189	13	No	Yes	No (post 2019)	N/A	Unknown	No
190	14	No	Yes	No (post 2019)	N/A	Unknown	Unknown
191	14	No	Yes	No (post 2019)	N/A	Unknown	Unknown
192	12	Yes	Yes	Yes	Mother	Article 6b rep ceased communicating with legal office	Unknown
193	15	No	Yes	No/18 by time of CM	N/A	Unknown	Unknown
194	4	No	No/civ juris	No (post 2019)	N/A	Unknown	Unknown
195	13	No	Yes	No (post 2019)	N/A	Unknown	No
196		No	No	No/no trial (post 2019)	N/A	Unknown	No
197	17	Yes	No	No/no trial (post 2019)	N/A	Unknown	Unknown
198	8	No	No	No/no trial (post 2019)?	N/A	Unknown	Unknown

Yellow Rows - Victim over 18 at time offense reported.  
 Green Rows - Victim under 18 at time offense reported.

**Air Force Cases Involving Minor Victims CY 2019**

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
199	14	No	No	No/no trial (post 2019)	N/A	No	No
200	10	Yes	Yes	No/no trial (post 2019)	N/A	Unknown	Unknown
201	3	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown
202	17	No	No	No/no trial (post 2019)	N/A	Unknown	No
203	17	No	No	No/military member ineligible for Art 6b representative	N/A	Unknown	Unknown
204	3	No	No	No/no trial (pre 2019)	N/A	Unknown	Unknown
205	8	Yes	Yes	No (post 2019)	N/A	Unknown	Unknown
206	11	Yes	Yes	No (spans 2018-2019)	N/A	Unknown	Unknown
207	11	Yes	Yes	No (post 2019)	N/A	Declined to participate	Unknown
208	16	Yes	Yes	No/18 by the time of trial	N/A	Unknown	Unknown
209	14	No	No	No/no trial (post 2019)	N/A	Declined to participate	Unknown
210	4	Yes	Yes	Yes	Bio father	Unknown	Unknown
211	5	Yes	Yes	Yes	Foster mother	Unknown	Unknown
212	4	Yes	Yes	Yes	Bio father	Unknown	Unknown
213	14	No	Yes	Yes	FAP director	No	No
214	17	No	No	No/no trial (post 2019)	N/A	Victim through mother declined to participate	Unknown
215	5	Yes	No/civ juris	No/no trial (pre 2019)	N/A	Unknown	No
216	13	Yes	Yes	No/no trial (post 2019)	N/A	Unknown	Unknown
217	13	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown
218	16	Yes	Yes	No (pre 2019)	N/A	Unknown	No
219	15	Yes	Yes	No (pre 2019)	N/A	Unknown	No
220	16	Yes	Yes	No (pre 2019)	N/A	Unknown	No
221	14	No	Yes	No (pre 2019)	N/A	Unknown	No
222	15	No	Yes	No (pre 2019)	N/A	Unknown	No
223	15	No	Yes	No (pre 2019)	N/A	Unknown	No
224	14	Yes	Yes	No (post 2019)	N/A	No	Unknown
225	16	No	Yes	No (post 2019)	N/A	Unknown	Unknown

Yellow Rows - Victim over 18 at time offense reported.  
 Green Rows - Victim under 18 at time offense reported.

**Air Force Cases Involving Minor Victims CY 2019**

Victim #	Age At Incident Begin	SVC Representation	Military Charges Preferred?	Art 6b Representative?	Art 6b Rep Relationship	Expressed/Best Interest Conflicts?	GAL?
226		Yes	Yes	Unknown	Unknown	Unknown	Unknown
227		Unknown	Yes	Unknown	Unknown	Unknown	Unknown
228	15	No	Yes	No (spans 2018-2019)	N/A	Unknown	Unknown
229	12	No	No/civ juris	No/no trial (post 2019)	N/A	Victim declined to participate in civ proceedings	Unknown
230	13?	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown
231	5	No	No	No/no trial (post 2019)	N/A	Unknown	Unknown

**RFI Set 15, Question 1**  
**Coast Guard Response:**

Year	Victim#	a.Age	b.SVC Rep.? (See Note1)	c. Article 6bRep? Ifso, basis?	d.Natureof Art, 6b rep. relationship to victim?	e. Conflicts between victim's/vicdm representative's expressed interests and the best interests of the victim? (See Note 2)	f. Guardian adlitem appointed?
CY18	1	11	No	No	n/a	n/a	No
CY18	2	17	No	No	n/a	n/a	No
CY18	3	7	No	No	n/a	n/a	No
CY19	4	16	No	No	n/a	n/a	No
CY19	5 (SeeNote3)	15	No	No	n/a	n/a	No

**Note 1:**

One of the five victims was offered an SVC, but declined. Our data does not readily show whether or not the remaining four victims were offered an SVC.

**Note 2:**

The Coast Guard does not have the ability to track whether there existed a conflict between the victim or victim's representative' s expressed interests and the best interests of the victim in cases where no SVC or guardian ad litem was appointed.

**RFI Set 15, Question 2** – Does your Service believe it would be beneficial to, or has your Service already established a process under which a guardian ad litem may be appointed to represent the interests of a minor victim of an alleged sex-related offense described above (or any other offenses)?

**Army Response to Q2:**

The Army SVC Program has a process by which an SVC may seek to have a civilian guardian ad litem (GAL) appointed to represent the best interests of a minor client located within CONUS. If an SVC concludes that the minor client’s parent or guardian is acting against that child’s best interests—i.e. taking actions or making decisions that are objectively unreasonable and/or harmful to the child—the SVC may contact the local Family Advocacy Program (FAP) or other installation agency responsible for child cases to coordinate a civilian GAL appointment.

**Navy Response to Q2:**

The Navy has not established a guardian ad litem (GAL) program within the Service, nor is there a specific process by which GALs are appointed to represent the interests of minor victims as part of the military justice process. However, Article 6b representatives are routinely appointed by military judges to represent the interests of the minor victim.

The Joint Service Committee is currently gathering information and conducting further study of this issue, as required by section 540L of the FY20 NDAA. That report is due no later than December 9, 2020. Therefore, offering an opinion on the benefits of any proposed changes would be premature.

**Marine Corps Response to Q2:**

The services are currently gathering information and conducting further study of this issue, as required by section 540L of the FY20 NDAA. Therefore, offering an opinion on the benefits of any proposed changes would be premature.

The standard process established by Rule 38 of the trial judiciary’s rules for the appointment of a victim’s designee has been an improvement from past practice. The rule ensures protection of the rights of minor victims is considered at the first session of court. When no suitable designee is available, military judges have appointed guardians ad litem on a rare case-by-case basis. However, without a standard process or authority, securing a guardian ad litem in individual cases is a time consuming process for the trial counsel. It requires significant effort as well as the willingness and availability of local guardians ad litem to serve in this role. A standard process to secure a guardian ad litem when no suitable designee was available would allow a trial counsel to focus more of their effort on litigating the case.

**Air Force Response to Q2:**

The Air Force has not established a guardian ad litem (GAL) process. The Air Force is studying this matter and working with our sister services on the Joint Service Committee to prepare a report responsive to this request IAW the FY20 NDAA requirement, but we do not have an answer at this time. We have, however, identified several of the areas we are studying related to this report in response to Question 5.

**Coast Guard Response to Q2:**

No response

**RFI Set 15, Question 3** – Are SVC/VLC in your Service specifically authorized to represent a victim's best interest in the event the victim lacks the capacity or maturity to make a decision regarding a specific issue involved in the case? If, so, please reference the specific policy or regulation providing for this representation.

**Army Response to Q3:**

No, SVC are not authorized to represent a victim's best interest in the event the victim lacks the capacity or maturity to make a decision regarding a specific issue involved in the case. Army SVCs are only authorized to represent the expressed interests of minor clients. Army SVCs are not authorized to serve as de facto GAL or Article 6b, UCMJ, representatives, by representing the minor client's best interests due to a lack of capacity or maturity to make decisions.

**Navy Response to Q3:**

Navy VLC are currently authorized to represent a victim's best interest in specific, limited instances. However, it is not the Navy VLC practice to permanently assume the role of representing the best interests of clients as Article 6b representatives. VLC are attorneys whose primary duty is to represent the expressed wishes of their clients. They are trained legal representatives and not trained for extended representation of the interests of incapacitated clients. Where a client may require, due to incapacity, the involvement of another person to represent his or her best interests, it would be advisable to appoint a GAL or an Article 6b representative even when a VLC is representing the client.

Both the Rules of Professional Conduct governing U.S. Navy attorneys and the U.S. Navy VLC Program Manual contemplate U.S. Navy VLC representing clients who lack capacity or maturity to make decisions regarding specific issues in a particular case. See JAGINST 5810.3A, 10-1; JAGINST 5803.1E, Rule 1.14.

The most explicit authorization to act in a client's best interest is found in Chapter X of the VLC Program manual: "... After consultation with the client, and as necessary with the client's parent(s) or guardian (if there appears to be no conflict with the client), FAP or other mental health

counselors or therapists, and VLC Program leadership, the VLC shall advocate on the particular issue that the VLC determines to be the best decision for the client under the circumstances...” JAGINST 5810.3A, 10-4(e) [emphasis added]. The Rules of Professional Conduct, rather than impose a duty under such circumstances, contain a permissive rule to act in a client’s best interest: “When the covered attorney reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken and cannot adequately act in the client’s own interest, the covered attorney may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client.” JAGINST 5803.1E, Rule 1.14(b). Similarly, Chapter IV of the VLC Program Manual, in addition to authorizing the filing of motions and other “typical” VLC actions on behalf of a client, authorizes VLC to “perform any other lawful, ethical action to represent their clients’ interests.” JAGINST 5810.3A, 6-1(c). The general statutory authority for the VLCP is broad and does not appear to prohibit any such action. See 10 U.S.C. 1044e, b.

Other rules imply that the role of the VLC is not to determine the best interest of a victim who lacks capacity to direct representation, but merely to advocate as their attorney in accordance with the client’s expressed wishes. See JAGINST 5810.3A, 10-4. Similarly, rather than advocate for the best interest of their client, “VLC should consider whether appointment of a civilian guardian ad litem or Article 6b representative is necessary to protect the client’s interests.” Id. at 10-9(h). This represents a subtle nuance between the legal representative’s role and responsibility in representing the legal interests of a client based on expressed wishes and desires and the role of an individual charged with representing the best interests of an incapacitated client. VLC certainly can and do explain all options to a client and even perhaps identify options that may be against a client’s best interests but ultimately the VLC is responsible for following the client’s expressed wishes and desires as part of the attorney-client relationship. Where a client is incapacitated, an independent representative should be charged with the authority to represent the best interests of the client, to include working with the VLC regarding legal options available to the client.

Navy VLC are currently authorized to act, absent direction from a client, in a client’s best interest only under limited circumstances. The circumstances contemplated refer to talking to others outside of the attorney-client relationship to see whether further assistance, such as appointment of a GAL, is required. In doing so however, the VLC still must comply with their duty of confidentiality detailed in JAGINST 5803.1E, Rule 1.6. There is no explicit authorization for VLC to step into the role of an Art. 6b representation or GAL. The policy of the Chief of Staff of the Navy VLC Program has been to prohibit VLC from being appointed as Art. 6(b) representatives, instead maintaining a clear role for VLC as legal advocates who represent the expressed desires and wishes of a client except in very limited instances.

### **Marine Corps Response to Q3:**

Marine Corps VLC are generally not authorized to represent what a VLC might believe to be in a victim’s best interests when such representation would be in conflict with the victim’s expressed interests. Rather, in accordance with paragraph 9003 of the Marine Corps VLC Manual, the VLC has an ethical obligation to advocate for the client’s expressed interests. Even if the VLC determines that the client has diminished capacity, provided the client has sufficient considered judgment and capacity to direct VLCO services, the VLC continues to represent the client in a traditional attorney-

client relationship. However, a VLC may act in a client's best interests in very limited circumstances. First, pursuant to Rule 1.14 of JAGINST 5803.1E, when a client's capacity is diminished by age or other reason, and the VLC believes that a client is at risk of substantial harm, the VLC may take protective action. In doing so, the VLC should be guided, amongst other considerations, by the client's best interests. Second, in accordance with paragraph 9005.6 of the Marine Corps VLC Manual, when a victim lacks capacity due to his or her young age and there is not a suitable Article 6b representative available, the VLC should inquire thoroughly into all circumstances that a careful and competent person in the client's position should consider in determining the client's best decision regarding the issue in question. After consultation with the client, FAP or other mental health counselors or therapists, and VLCO leadership, the VLC shall advocate on the particular issue that the VLC determines to be the best decision for the client under the circumstances. In such an instance, the client shall continue to direct the VLC in all other areas where the client maintains sufficient capacity and considered judgment.

### **Air Force Response to Q3:**

No, the Air Force SVC Program is based upon the express interest of the client. The purpose of the SVC Program is to (1) provide advice: develop victims' understanding of the investigatory and military justice processes; and (2) provide advocacy: protect the rights afforded to victims in the military justice system; and (3) empower victims by removing barriers to their full participation in the military justice process. This requires an SVC to advocate for victims' expressed interests and not per se the "best" interests of the victims. Advocating for the expressed interests of the victim provides the empowerment envisioned by the SVC Program.

Both "expressed interest" and "best interest" have a legal connotation. "Expressed interests" are those interests or decisions made by a client who has demonstrated the capacity to make determinations regarding representation. "Best interests" is generally used in the civil law context in determinations or modifications of child custody, child support, child neglect, or termination of parental rights and to determine what situation will best foster the child's happiness, security, mental health, and emotional development. However, in a criminal context, where SVCs typically operate, "best interest" is more difficult to define and many times the best interests and express interests are often the same. The goal of SVC representation is to empower clients throughout the military justice process and that requires an expressed interest model where the choice is the client's to make.

The Air Force Rules of Professional Conduct places certain obligations upon legal practitioners requiring SVCs to follow an expressed interest model of representation. In accordance with Air Force Rules of Professional Conduct 1.2 (a) "[A] lawyer shall abide by a client's decisions concerning the objectives of representation, and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued." Rule 1.14(a) states, "When a client's capacity to make adequately considered decisions in connection with the representation is diminished, whether because of minority, mental impairment, or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client." Rule 1.14(b) states, "When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action,

including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.” These professional conduct rules are consistent with, and modeled after, the American Bar Association’s Model Rules of Professional Conduct.

In general, SVCs are provided training and receive advice from senior supervising attorneys regarding the differences between a GAL and the role of an SVC. SVCs are advised to work to align the child victim's express interests with their best interest to the extent possible. However, the SVC is responsible for representing the express interests of the child client and not what a third party or the SVC believes is the best interest of the child. SVCs are also provided instruction on determining capacity of their clients to direct representation, and resources to utilize when the client’s capacity is in question. If necessary, SVCs are authorized to explore the appointment of a GAL in accordance with the Air Force Rules of Professional Responsibility and consultation with leadership and senior attorneys. Ultimately, through the express interest model used by the Air Force SVC Program, victims are empowered to help ensure their full participation in the military justice process.

**Coast Guard Response to Q3:**

No response.

**RFI Set 15, Question 4** – If SVC/VLC in your Service are authorized to represent the best interests of a minor victim in certain instances of incapacity, please identify any of the victims listed in Question 1 for whom this occurred. If SVC/VLC are not allowed to represent best interests of a minor victim in your Service, please explain what happens when a victim lacks capacity due to his or her young age and there is not a suitable Article 6b representative available. Please identify any of the victims listed in Question 1 for whom this was the case and provide a brief description of the case and how the issue was addressed.

**Army Response to Q4:**

If an Army SVC believes that his or her minor client lacks capacity due to her or his young age and there is not a suitable Article 6b, UCMJ, representative available, the Army SVC could petition a military judge under Rule for Courts-Martial (RCM) 801(a)(6) to find a suitable person for this role. The Army SVC Program prohibits Army SVCs from serving as Article 6b, UCMJ, representatives.

**Navy Response to Q4:**

As noted above, Navy VLC are prohibited from serving as an Art. 6(b) representative on behalf of any client. They are, however, as outlined in the rules and regulations noted in the answer to Question 3 above, permitted to represent the best interests of a client in certain specific instances in their role as VLC.

In polling Navy VLC regarding this question, only one case was discovered where no appropriate Article 6b representative could be identified. Although several VLC noted that they observed cases where it may have been challenging to identify an Article 6b representative who the military judge deemed capable of competently representing the best interests of a minor victim, an appropriate and willing candidate was ultimately identified.

The circumstances of the one known Navy case where the military judge could not identify an appropriate Article 6b representative from the victim's family or other known options:

- **Case Facts:** Minor child (Client), three years old, first made allegations of sexual assault against Active Duty Stepfather (Accused) in [redacted year]. At the time, Client was living with Biological Mom (Mom) and Accused in [redacted location]. Mom reported the allegations to military authorities and an investigation occurred. Ultimately, Client recanted and named a different individual as her assailant.
- **Case Facts continued:** In [redacted year], Client, now seven years old, was living with Mom, Accused, and three younger siblings (all biological to Accused), in [redacted location]. In the summer of [redacted year], Accused visited Mom while Mom was in the hospital. Accused confessed to the initial allegations and additional instances of sexual abuse against Client. Mom secretly recorded Accused's confession. Mom contacted Accused's chain of command to report allegations of sexual abuse against Client and reported her own allegations of abuse.
- **Case Facts continued:** In [redacted year], Child Protective Services (CPS) in [redacted location] received several allegations of neglect and abuse of the minor children from several anonymous sources. In December [redacted year], prior to referral of charges, Client and three younger siblings entered foster care due to allegations of neglect against Mom.
- **Charges:** Charges were preferred in October [redacted year] and referred to a General Court-Martial in December [redacted year]. Accused was charged with two specifications of violating UCMJ, Article 120b (Rape of a Child and Sexual Abuse of a Child), one specification of violating UCMJ, Article 120 (Sexual Assault) committed against Mom, and one specification of violating, UCMJ, Article 92 (Violation of a General Lawful Order). Arraignment occurred on [redacted date] and Military Judge ordered VLC to find an appropriate Article 6b representative (Representative) for Client. Defense objected to Mom as a potential Representative.
- **Court-Martial:** In July [redacted year], Accused entered a plea of guilty pursuant to a pretrial agreement. Accused was sentenced to 18 years confinement, to be reduced in rank to E-1, and to be discharged from the Naval service with a dishonorable discharge. Pursuant to the pretrial agreement, all confinement in excess of 8 years was suspended for a period of 12 months from the date of the Convening Authority's action. However, if Accused fails to complete the non-violent sex offender treatment program, the Convening Authority may order executed that portion of the adjudged sentence that is suspended up to, but not to exceed 12 years. The adjudged reduction in rank was disapproved. Automatic forfeitures of any pay and allowances were deferred and waived pursuant to Article 58b, UCMJ.
- **Need for Article 6b Representative:** Client was very articulate, was able to almost fully understand the court-martial process and express her desires. However, a Representative was

required in this case because Client was not able to understand the Military Rule of Evidence 513 motion or a plea agreement. In addition, due to CPS involvement, it was extremely difficult for VLC to access any of Client's records, even with Mom's permission. There were numerous reasons why Mom was not appropriate to act as Representative for Client. Mom was a named victim on the charge sheet, she was no longer a custodial parent, and the Defense was alleging the Client was fabricating the allegations under the specific influence of Mom. No other extended family members were an appropriate choice. Client's Biological Dad was not involved in Client's life and was never identified. Mom's family lived over 2,000 miles away. Accused's parents (Grandparents) lived over 2,000 miles away. Although Grandparents were petitioning for custody of Client, they were very close with Accused and did not believe the allegations by Client. There were concerns that if Grandparents had custody or were appointed as Representative, they would no longer allow access to Client for purposes of the Court-Martial. VLC did not believe it was appropriate to ask Client's school officials or Foster Mom to act as Representative. Client had been enrolled in multiple schools recently and it was unknown if Client would remain with the same Foster Mom for the duration of the Court-Martial proceedings. Additionally, Client had two GALs appointed during the CPS cases. However, both GALs refused to participate with the Criminal Court-Martial.

- **Local GAL:** VLC ultimately found a willing state-approved GAL by "cold-calling" several attorneys listed on the [redacted] State Bar online database. Upon VLC's motion and with no objection from any party, the Court ordered the appointment of the civilian attorney as Client's Representative. The appointing order stated that Representative, Client and VLC all have privileged communications under MRE 502. VLC then filed a request for funding with the Convening Authority. Convening Authority approved funding for Representative for 20 hours of pre-trial work.
- **Critical Conflict Resolved by Representative:** While both VLC and Representative spoke with Client regarding the details of the plea agreement, Representative was able to articulate Client's best interest and positively endorse the plea agreement. When it came to sentencing, Client insisted to VLC she wanted to testify in person, even if the Accused was present. However, Mom wanted Client to testify remotely or have VLC read a statement on Client's behalf. CPS did not want Client to testify in person, suspecting it would be detrimental to her well-being. Foster Mom had general concerns of Client testifying, but did not provide an opinion. Representative was able to determine Client's best interest based on conversations with and recommendations of Client's trauma therapists. Ultimately, Client testified in person at the sentencing hearing.

#### **Marine Corps Response to Q4:**

Marine Corps VLCO is unable to identify any of the victims listed in Question 1 for whom this was the case because the information is privileged. In accordance with paragraph 9008.9 of the VLC Manual and Rule 1.14 of JAGINST 5803.1E, information relating to the representation of a client with diminished capacity is protected as confidential and is generally covered by attorney-client privilege.

#### **Air Force Response to Q4:**

Air Force SVCs are not permitted, pursuant to the Air Force Rules of Professional Conduct, to

represent the best interests of a minor victim. In the case where a client has diminished capacity to direct representation, the SVC works with trial counsel to obtain a suitable Article 6b representative in accordance with Air Force Rules of Professional Conduct Rule 1.14(b).<sup>1</sup> In accordance with the purpose of empowering victims while abiding by their Rules for Professional Responsibility, SVCs are prohibited from being appointed as their client's Article 6b representative.

The Air Force does not have records documenting a case where there was no Article 6b representative appointed because the court could not identify a suitable Article 6b representative. As noted in the [data provided in Question 1], there were occasions where an Article 6b representative was not appointed on the record. It is uncertain why an Article 6b representative was not appointed in those instances. As noted in the attached spreadsheet, a civilian GAL was hired to perform Article 6b representative services in at least one Air Force case.

<sup>1</sup> Rule 1.14(b) states, “When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken and cannot adequately act in the client’s own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.”

#### **Coast Guard Response to Q4:**

The Coast Guard has not had a case involving a victim lacking capacity due to young age where a suitable Article 6b representative was not available. The Coast Guard does not have a policy in place to address a situation where no suitable Article 6b representative is available.

**RFI Set 15, Question 5** – Please provide any additional comments or feedback regarding the congressional proposal to establish a guardian ad litem appointment process for the military that would be helpful for the DAC-IPAD to consider in its evaluation and report to Congress on this issue.

#### **Army Response to Q5:**

The Army SVC Program believes a military guardian ad litem (GAL) program is unnecessary. A minor child’s best interests are already protected and represented through the appointment of a civilian GAL or an Article 6b, UCMJ, representative. Moreover, GAL are typically involved in civilian family law matters such as divorce or child custody. It is unclear how a GAL would operate in the military justice process or why the existing procedures are insufficient.

#### **Navy Response to Q5:**

As stated in the answer to Question 2, the Services are currently gathering information and conducting further study of this issue.

**Marine Corps Response to Q5:**

It would be helpful to consider that the Services are conducting further study of this issue, as required by section 540L of the FY20 NDAA. The DAC-IPAD's experience and expertise regarding civilian prosecutions would also be helpful for the Services in conducting the required study, particularly as it relates to the timing of when guardians ad litem are normally appointed in civilian practice. Knowing what mechanisms most civilian jurisdictions have to appoint guardians ad litem during investigations would be useful information for the Services to have.

**Air Force Response to Q5:**

This response addresses considerations in implementing a GAL function or other modifications to the court-martial and related military processes similar to what exists in 18 U.S.C. § 3509, the Federal Child Victims' and Child Witnesses' Rights statute. It is important to note that military judges and courts-martial have no jurisdiction over civilian minors in civil law matters. Child safety matters are addressed to the extent possible by command and the Air Force Family Advocacy Program (FAP) working in conjunction with local Child Protective Services (CPS) organizations.<sup>2</sup> Commanders may issue Military Protective Orders, No-Contact Orders, or impose pretrial confinement or other restrictions in appropriate situations. In most instances, a GAL within the military justice process would be unable to further resolve the underlying safety and welfare concerns for military dependent children that require civilian judicial involvement. We urge caution inserting a GAL into the military justice process without clearly articulating civil law limitations to that authority.

In the court-martial process there are currently few points where a decision-making authority is explicitly authorized or directed to consider the best interests of a minor or incapacitated victim. However victims and witnesses have certain enumerated privileges and rights, and various government entities have certain obligations towards victims and witnesses throughout the process.<sup>3</sup>

Adding a GAL into the military justice process would add logistical complications on the court-martial. The GAL's schedule would be added to those of the other counsel and witnesses in the case that must be accommodated in order to schedule proceedings. If the GAL is not local, the travel time required to be present could delay hearings that would otherwise be handled on short notice. Insertion of a new process into the court-martial always creates additional grounds for appeal following a conviction.

Establishing a GAL program would create an additional burden for the Services. Ideally, individuals serving as GALs would be attorneys with experience working with children, possess knowledge of relevant psychosocial issues, and have significant military justice experience. Requiring all three areas of expertise would make it difficult to hire suitable local civilian GALs. Analyzing the data for

Question 1, no Air Force installation had enough cases involving child victims during the two calendar years to warrant a full-time GAL. Filling GAL requirements from regional billets adds travel expenses, and would reduce the victim's accessibility to the GAL. Although attorneys trained as SVCs might be suitably trained to provide GAL services as a separate function, the current caseloads coupled with the projected additional domestic violence victim clients with the SVC Program expansion would make it difficult to comply with statutorily capped caseload limitations. Additionally, as previously noted, SVCs are designated to represent the express interests of the victims and a GAL function is counter to the model of representation used by the SVC Program. Coupling these two functions on one individual could create confusion of issues, conflicts of interests, and other unforeseen legal issues, in addition to the noted caseload limitations. With those general considerations as a background, below is a brief description of the roles and authorities for Article 6b representative, Special Victims' Counsel, and GAL (under 18 U.S.C. § 3509). Following the description and authorities of the roles is an outline of observations on how inserting a GAL function could impact the military justice system.

<sup>2</sup> The Air Force Family Advocacy Program (FAP) operate the Child Sexual Maltreatment Response Team (CSMRT), the High Risk for Violence Response Team (HRVRT), and the Central Registry Board (CRB). While representatives of the local Air Force Office of Special Investigations (AFOSI) detachment and an attorney appointed by the Staff Judge Advocate (SJA) are part of these mechanisms, they operate separately from the criminal investigation and military justice process. See AFI 40-301, Family Advocacy Program.

<sup>3</sup> See Article 6b, UCMJ and DoDI 1030.01, Victim Witness Assistance, 23 April 2007.

#### **Coast Guard Response to Q5:**

The Coast Guard has not had a sufficient number of cases where a minor was without a parent or guardian involved in the minor's representation. Consequently, input from the trial judiciary, and potentially the Family Advocacy Program, is needed on this proposal as the military judge would be the real "customer" of the guardian ad litem. Additionally, the potential exists for an SVC/VLC to advocate against the appointment of a guardian ad litem. Such a circumstance could occur when the SVC/VLC represents the expressed interests of a minor client whom that SVC/VLC has determined not to be of diminished capacity. R.C.M. 801(a)(6) states that a military judge is not required to hold a 39(a) hearing before designating a guardian ad litem, but were such a hearing to occur, then an SVC/VLC who had determined that their client is not of diminished capacity would be required to advocate against the designation of a guardian ad litem if that is what the competent minor client expressed.

#### **Requested documents:**

1. All Service policies, regulations, or guidance that address SVC/VLC representation of victims under the age of 18.

#### **Army Response: SVC/VLC Policies**

No Response.

**Navy Response: SVC/VLC Policies**

- A. JAGINST 5810.3 (Navy Victims' Legal Counsel Program)
- B. JAGINST 5803.1E (Rules of Practice)

**Marine Corps Response: SVC/VLC Policies**

- A. MCO 5800.16 (Legal Support and Administration Manual) – Volume 4, Victims' Legal Counsel Organization
- B. Marine Corps Victims' Legal Counsel Manual
- C. JAGINST 5803.1E (Rules of Practice)

**Air Force Response: SVC/VLC Policies**

- 2a – AFI 51-201, Administration of Military Justice, dated, 30 Oct 19  
Air Force Guidance Memorandum Excerpts  
Chapter 16, Victim and Witness Assistance  
Section 22B, Special Victim Investigation and Prosecution Capability (SVIP)
- 2b – Uniform Rules of Practice Before Air Force Courts-Martial, dated, 1 Oct 19
- 2c – AFI 51-110, Professional Responsibility Program, dated, 11 Dec 18  
Attachment 2, Air Force Rules of Professional Conduct

**Coast Guard Response: SVC/VLC Policies**

- Commandant Instruction 5891.5 (Special Victims' Counsel Program)

- 2. All Service policies, regulations, or guidance that address guardians ad litem.

**Army Response: Guardian ad Litem Policies**

Army Regulation (AR) Family Advocacy Program (FAP) 608-18 states a Guardian Ad Litem is a guardian appointed by a court to represent the interests of a child in a child protective case. A guardian ad litem is considered an extension of the court and helps the court decide what is in the best interests of the child.

Background

The Federal Child Abuse Prevention and Treatment Act (CAPTA) requires each state to have provisions or procedures for requiring certain individual to report known child abuse and neglect, 42 U.S.C § 5106a(b)(2)(B)(i).

Installation FAP and covered professionals are required by law, NDAA FY 17 and AR 608-18 to report any suspected incidents of abuse (physical, sexual and emotional) and/or neglect of a child to the local Child Protective Service (CPS) agency.

NDAA FY 17 mandates that:

1. All allegations of child abuse in military Families and homes be reported immediately to the FAP on the installation to which the concerned service members is assigned;
2. Individual within the chain of command of a service member will report credible information, which may include a reasonable belief that a child in the Family or home of the service member has suffered an incident of child abuse and/or child neglect to the installation FAP; and
3. Covered professionals are required to report any suspected incidents of abuse and/or neglect of a child in the Family or home of a service member to the locals CPS.

AR 608-18 also states, every report of child abuse should be reported to military law enforcement.

If a child is a victim of a crime to include a sexual assault the incident should be reported to the appropriate authorities, military law enforcement, civilian law enforcement and CPS.

Furthermore, NDAA FY 19 states report or allegation of juvenile-on-juvenile problematic sexual behavior on a military installation shall be reviewed by FAP, reported to the appropriate authorities and FAP should conduct a multi-faceted multidisciplinary review (MDT).

#### **Navy Response: Guardian ad Litem Policies**

- A. Navy-Marine Corps Trial Judiciary Uniform Rules of Practice
- B. JAGINST 5803.1E (Rules of Practice)

#### **Marine Corps Response: Guardian ad Litem Policies**

- A. Navy-Marine Corps Trial Judiciary Uniform Rules of Practice

#### **Air Force Response: Guardian ad Litem Policies**

2a – AFI 51-201, Administration of Military Justice, dated, 30 Oct 19  
Air Force Guidance Memorandum Excerpts  
Chapter 16, Victim and Witness Assistance  
Section 22B, Special Victim Investigation and Prosecution Capability (SVIP)

2b – Uniform Rules of Practice Before Air Force Courts-Martial, dated, 1 Oct 19

2c – AFI 51-110, Professional Responsibility Program, dated, 11 Dec 18  
Attachment 2, Air Force Rules of Professional Conduct

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<b>Coast Guard Response: Guardian ad Litem Policies</b>  No Response
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3. MOAs/MOUs between the Services and State/Local Child Protection Service organizations or other organizations that address the appointment of guardians ad litem for victims under the age of 18 in criminal cases involving Service member subjects. If there are more than five such MOAs/MOUs in your Service, please provide five as a representative sample. If there are fewer than five, please provide all relevant MOA/MOUs.

<b>Army Response: MOAs/MOUs</b>  DCS, G-9 - Army FAP Response: Installation FAPs are expected to develop Memorandum of Agreements (MOAs) with Child Protective Services (CPS) to coordinate, collaborate and respond to allegations or reports that a child is a victim of child abuse and/or child neglect IAW AR FAP 608-18.  The Department of the Army is in the process of establishing an MOU with the National Children’s Alliance to ensure that a coordinated community response is provided to children and their Families who are impacted by incidents of child abuse, child neglect and Problematic Sexual Behavior of Children and Youth (PSB-CY). The purpose is to provide trauma informed services, crisis intervention, support and to address the needs of children and Families.  Army FAP Source Documents Regarding MOUs  AR FAP 608-18, 1-8, a, (9) Garrison Commanders will direct the development of a Memorandum of Agreement (MOA) whenever possible with Child Protective Services (CPS) and other authorities in the civilian jurisdiction(s) adjoining the Army installation to include law enforcement agencies and courts involved in domestic violence.  DoDM 6400.01 Volume 1, 1 July 2019, a. Family Advocacy Committee, PS 3, Monitoring Coordinated Community Response and Risk Management Plan. The Family Advocacy Committee (FAC) monitors the implementation of the coordinated community response and risk management plan. Such monitoring includes a review of the development, signing and implementation of formal memorandums of understand MOUs among military activities and between military activities, civilian authorities and agencies to address child abuse and domestic abuse.  PS 4, Roles, Functions and Responsibilities. The FAC must monitor collaboration between all installation agencies involved with the coordinated community response to child abuse, domestic abuse in their respective roles functions and responsibilities as expressed in DoDI 6400.06 and Service FAP headquarters implementing policies and guidance.  PS 5, MOUs. The FAC must verify that formal MOUs are established as appropriate with
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counterparts in the local civilian community to improve coordination on trauma-informed assessment, care and support, child abuse and domestic abuse investigations, PSB-CY assessment and intervention, emergency removal of children from homes, fatalities, criminal investigations and arrests.

**Navy Response: MOAs/MOUs**

We received responses from two RLSOs concerning MOAs/MOUs. The remaining RLSO located in the continental United States indicated they were unaware of any agreements. Attachment 3 contains a memorandum of understanding dated July 11, 1988, and a draft of a new memorandum of understanding between Naval Station Great Lakes and the Illinois Department of Children and Family Services (DCFS). Also attached is an MOU between Navy Region West and Washington State Department of Social and Health Services' Children's Administration, Child Protective Services Division (DSHS/CPS). These memoranda address joint child abuse investigations, jurisdiction over these cases, sharing of information and other services but do not specifically address the appointment of guardians ad litem.

*Navy Example MOUs not releasable by DAC-IPAD*

**Marine Corps Response: MOAs/MOUs**

A. None.

**Air Force Response: MOAs/MOUs**

Example MOAs/MOUs from Air Force installations

- 3a – Fairchild AFB, WA
- 3b – Langley AFB, VA Ex. 1
- 3c – Langley AFB, VA Ex. 2
- 3d – Laughlin AFB, TX
- 3e – Schriever AFB, CO

*Air Force Example MOUs not releasable by DAC-IPAD*

**Coast Guard Response: MOAs/MOUs**

No response.

**Defense Advisory Committee on Investigation, Prosecution, and  
Defense of Sexual Assault in the Armed Forces (DAC-IPAD)**

**Request for Information from the Family Advocacy Programs  
of the Military Services**

**RFI Set 16, Questions 1-5, Documents 1-3**

**Topic: Appointment of Guardians ad Litem for Minor Victims of Sex-Related Offenses**

**Date of Request: March 19, 2020**

**I. Purpose**

- A. The DAC-IPAD is a federal advisory committee established by the Secretary of Defense pursuant to section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended.
- B. The mission of the Committee is to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.
- C. The DAC-IPAD requests the below information to facilitate its required review of cases involving allegations of sexual misconduct on an ongoing basis for purposes of providing advice to the Secretary of Defense.

**II. Summary of Requested Response Dates**

<b>Suspense</b>	<b>Question(s)</b>	<b>Proponent</b>
<b>April 22, 2020</b>	Questions 1-5 and Documents 1-3	Provide narrative responses regarding the need for, and feasibility of, the appointment of guardians ad litem for minor victims of sex-related offenses; the feasibility of developing and maintaining a guardian ad litem program within FAP and/or expanding FAP services OCONUS; and the requested policies, regulations, and guidance.

**III. Narrative Questions for Family Advocacy Programs Regarding Guardians ad Litem for Minor Victims**

**Background:**

U.S. House of Representatives Report 116-120, part 1, (2019), accompanying H.R. 2500, contains a request for the DAC-IPAD to evaluate need for, and feasibility of, the appointment of guardians ad litem for minor victims of sex-related offenses. Specifically, Section 421 of the House Report states the following:

### ***Appointment of Guardian ad Litem for Minor Victims***

*The [Armed Services Committee of the U.S. House of Representatives] is concerned for the welfare of minor, military dependents who are victims of an alleged sex-related offense. The committee acknowledges the Department of Defense's continued efforts to implement services in support of service members who are victims of sexual assault and further, to expand some of these services to dependents who are victims. However, the committee remains concerned that there is not an adequate mechanism within the military court-martial process to represent the best interests of minor victims following an alleged sex-related offense.*

*Therefore, not later than 180 days after the date of the enactment of this Act, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces shall submit to the Committees on the Armed Services of the Senate and the House of Representatives a report that evaluates the need for, and the feasibility of, establishing a process under which a guardian ad litem may be appointed to represent the interests of a victim of an alleged sex-related offense (as that term is defined in section 1044e(g) of title 10, United States Code) who has not attained the age of 18 years.*

#### **Questions:**

Question 1: For all reports or allegations involving an alleged sex-related offense received by FAP (as that term is defined in section 1044e(g) of title 10, United States Code), against a minor victim, and closed in the last two calendar years (2018, 2019): please provide a list, by year, of all alleged victims (represent each victim by a number, starting with 1) who were under the age of 18 at the time of the sex-related offense and for which the alleged offender was a Service member subject to the UCMJ.

For each victim identified, please document:

- a. The age of the victim at the time of the offense;
- b. Whether the victim was CONUS or OCONUS at the time of the offense;
- c. Whether a Memorandum of Agreement (MOA) with civilian Child Protective Services (CPS) existed at the installation where the victim lived;
- d. Whether a guardian ad litem was appointed, and if so, how and by whom;
- e. Whether FAP assigned another liaison or assistant to the victim who was trained in child services;
- f. Whether the child was referred to a civilian agency for services and treatment.

- Question 2: Is there a policy or process for the Family Advocacy Program to obtain a guardian ad litem to represent the interests of a minor victim of an alleged sex-related offense described above (or any other offenses)? If FAP has a policy to appoint a guardian ad litem in a criminal case, please characterize the effectiveness of the appointment process. What, if any, challenges face the program, such as funding, quality, or consistency? Note, this question addresses criminal cases and is different from the appointment of a guardian ad litem in a civil proceeding, such as a child protective hearing or custody dispute.
- Question 3: Would it be beneficial and feasible to create a guardian ad litem program within the Family Advocacy Program to represent the interests of a minor victim of an alleged sex-related offense described above (or any other offenses), instead of relying on MOUs to partner with civilian guardian ad litem programs?
- Question 4: Would it be beneficial and feasible to expand Family Advocacy Program services OCONUS to serve victims of child abuse and neglect who are dependents overseas? Or does this already exist in your Service?
- Question 5: Please provide any additional comments or feedback regarding the need for a guardian ad litem for minor victims or additional services for child victims of sex-related offenses that would be helpful for the DAC-IPAD to consider in its evaluation and report to Congress on this issue.

#### **IV. Request for Policies, Regulations, and Other Written Documents Related to Guardians ad Litem Appointed for Minor Victims**

##### **Requested documents:**

1. All FAP policies, regulations, or guidance that address guardian ad litem representation of victims under the age of 18.
2. MOAs/MOUs between FAP and State/Local Child Protection Service organizations or other organizations that address the appointment of guardians ad litem for victims under the age of 18 in criminal cases involving Service member subjects. If there are more than five such MOAs/MOUs, please provide five as a representative sample. If there are fewer than five, please provide all relevant MOA/MOUs.
3. Training materials and FAP policies, regulations, or guidance relating to FAP services and treatment for child victims of alleged sex-related offenses.

**RFI Set 16, Questions 1-5, Documents 1-3**

**Topic: Appointment of Guardians ad Litem for Minor Victims of Sex-Related Offenses**

**RESPONSES**

**Question 1:** For all reports or allegations involving an alleged sex-related offense received by FAP (as that term is defined in section 1044e(g) of title 10, United States Code), against a minor victim, and closed in the last two calendar years (2018, 2019): please provide a list, by year, of all alleged victims (represent each victim by a number, starting with 1) who were under the age of 18 at the time of the sex-related offense and for which the alleged offender was a Service member subject to the UCMJ.

For each victim identified, please document:

- a. The age of the victim at the time of the offense;
- b. Whether the victim was CONUS or OCONUS at the time of the offense;
- c. Whether a Memorandum of Agreement (MOA) with civilian Child Protective Services (CPS) existed at the installation where the victim lived;
- d. Whether a guardian ad litem was appointed, and if so, how and by whom;
- e. Whether FAP assigned another liaison or assistant to the victim who was trained in child services;
- f. Whether the child was referred to a civilian agency for services and treatment.

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**Army FAP Response to Q1: Data on Child Sexual Abuse Cases**

The enclosed spreadsheet (below with case numbers redacted) provides a list of all child sexual abuse cases for Fiscal Years 2018 and 2019 that met DoD criteria for sexual abuse as determined by the installation Incident Determination Committee or Case Review Committee where the alleged offender was a Soldier subject to the UCMJ.

Reported CY	Victim Age	Occurred Location	Guardian ad litem (GAL) Assigned	If Y, By Whom?	FAP Assigned Victim Liaison?	Referred to Civilian Services?	CPS MOA
2018	13	CONUS	Y	Court	Y	Y	Y
2018	8	CONUS	Don't Know		Y	Y	Y
2018	10	CONUS	N		Y	Y	Y
2018	13	CONUS	Don't Know		Y	Y	Y
2018	15	CONUS	N		Y	Y	Y
2018	14	CONUS	Don't Know		Y	Y	Y
2018	9	CONUS	N		Y	N	Y

2018	7	CONUS	N		Y	Y	Y
2018	2	CONUS	N		Y	Y	Y
2018	11	CONUS	N		Y	Y	Y
2018	17	CONUS	N		Y	Y	Y
2018	14	CONUS	N		Y	Y	Y
2018	7	CONUS	N		Y	Y	Y
2018	9	CONUS	N		Y	Y	Y
2018	17	CONUS	N		Y	Y	Y
2018	14	CONUS	N		Y	Y	Y
2018	17	CONUS	Y	CPS	Y	Y	Y
2018	7	CONUS	N		Y	Y	Y
2018	8	CONUS	N		N	Y	Y
2018	16	CONUS	N		Y	N	Y
2018	16	CONUS	N		Y	N	Y
2018	13	CONUS	N		Y	N	Y
2018	16	CONUS	Don't Know		N	Y	Y
2018	14	CONUS	N		Y	Y	Y
2018	15	CONUS	N		Y	Y	Y
2018	1	CONUS	Y	CPS	Y	N	Y
2018	17	CONUS	N		Y	N	Y
2018	13	CONUS	N		Y	Y	Y
2018	15	CONUS	N		Y	Y	Y
2018	11	CONUS	N		N	N	Y
2018	4	CONUS	Don't Know		Y	Y	Y
2018	7	CONUS	Don't Know		Y	Y	Y
2018	11	CONUS	Don't Know		N	N	Y
2018	13	CONUS	N		Y	Y	Y
2018	12	CONUS	N		Y	Y	Y
2018	15	CONUS	Don't Know		Y	Y	Y
2018	7	CONUS	Don't Know		Y	Y	Y
2018	5	CONUS	Don't Know		Y	Y	Y
2018	0	CONUS	N		N	Y	Y
2018	4	CONUS	Y	Court	N	Y	Y
2018	14	CONUS	Y	Court	N	Y	Y
2018	16	CONUS	Y	Court	N	Y	Y
2018	13	CONUS	Y	Court	N	Y	Y
2018	15	CONUS	Don't Know		Y	N	Y
2018	13	OCONUS	N		Y	N	N
2018	13	CONUS	N		Y	Y	Y
2018	12	CONUS	N		Y	N	Y
2018	2	OCONUS	N		Y	N	N
2019	15	CONUS	Y	Court	Y	Y	Y
2019	2	CONUS	N		Y	N	Y
2019	3	CONUS	Don't Know		Y	Y	Y
2019	13	CONUS	N		Y	Y	Y
2019	15	CONUS	N		Y	Y	Y
2019	13	CONUS	N		Y	Y	Y
2019	15	CONUS	N		Y	Y	Y

2019	10	CONUS	N		Y	N	Y
2019	11	CONUS	N		Y	N	Y
2019	15	CONUS	Y	CPS	Y	Y	Y
2019	6	CONUS	N		Y	Y	Y
2019	10	CONUS	N		N	Y	Y
2019	6	CONUS	N		Y	Y	Y
2019	15	CONUS	N		Y	N	Y
2019	15	CONUS	N		Y	N	Y
2019	6	CONUS	N		Y	N	Y
2019	9	CONUS	N		N	N	Y
2019	15	CONUS	Don't Know		N	Y	Y
2019	8	CONUS	Don't Know		N	Y	Y
2019	9	CONUS	N		Y	Y	Y
2019	13	CONUS	N		Y	Y	Y
2019	5	CONUS	N		Y	N	Y
2019	16	CONUS	N		N	N	Y
2019	13	CONUS	N		Y	N	Y
2019	13	CONUS	Don't Know		N	Y	Y

Mean = CONUS =  
11 71 Y = 9 CPS = 3 Y = 58 Y = 51 Y = 71  
Don't Know = Court =  
15 6

### Navy FAP Response to Q1: Data on Child Sexual Abuse Cases

Victim number	Calendar Year of Navy FAP Incident Determination Committee (IDC) (Note 7)	Age of child at time of report to FAP	Location of FAP that managed report	FAP/CPS MOA	Referral of child to civilian agency for services
1	2018	15	Outside US	Yes	Yes
2	2018	3	Inside US	No	No
3	2018	11	Inside US	No	Yes
4	2018	5	Inside US	Yes	Yes
5	2018	16	Inside US	Yes	Yes
6	2018	14	Inside US	Yes	Yes
7	2018	10	Inside US	No	Yes
8	2018	6	Inside US	Yes	Yes
9	2018	9	Inside US	Yes	Yes
10	2018	14	Inside US	Yes, expired	Yes
11	2018	8	Inside US	No	No
12	2018	13	Inside US	No	Yes
13	2018	8	Inside US	No	No

14	2018	11	Inside US	No	Yes
15	2018	10	Inside US	Yes, expired	Yes
16	2018	11	Inside US	Yes, expired	Yes
Victim number	Calendar Year of Navy FAP Incident Determination Committee (IDC) (Note 7)	Age of child at time of report to FAP	Location of FAP that managed report	FAP/CPS MOA	Referral of child to civilian agency for services
17	2018	7	Inside US	Yes, expired	Yes
18	2018	17	Inside US	No	Yes
19	2018	8	Inside US	No	Yes
20	2018	15	Inside US	No	Yes
21	2018	11	Inside US	No	Yes
22	2018	10	Inside US	No	Yes
23	2018	13	Inside US	No	No
24	2018	15	Inside US	Yes	Yes
25	2018	17	Inside US	No	Yes
26	2018	11	Outside US	N/A	Yes
27	2018	4	Outside US	N/A	Yes
28	2019	12	Inside US	No	No
29	2019	14	Inside US	Yes	Yes
30	2019	15	Inside US	Yes	Yes
31	2019	14	Inside US	No	No
32	2019	15	Inside US	No	Yes
33	2019	16	Inside US	No	No
34	2019	5	Inside US	Yes	Yes
35	2019	3	Inside US	No	Yes
36	2019	14	Inside US	Yes, expired	Yes
37	2019	6	Inside US	Yes	Yes
38	2019	12	Inside US	No	Yes
39	2019	6	Inside US	Yes	Yes
40	2019	7	Inside US	No	Yes
41	2019	15	Inside US	Yes	Yes
42	2019	13	Inside US	Yes	Yes
43	2019	11	Inside US	Yes	Yes
44	2019	12	Inside US	Yes	Yes
45	2019	14	Inside US	Yes, expired	Yes
46	2019	12	Inside US	Yes, expired	Yes
47	2019	14	Inside US	Yes	No
48	2019	3	Inside US	Yes	Yes
49	2019	14	Inside US	Yes	Yes
50	2019	7	Inside US	Yes	Yes

51	2019	8	Inside US	Yes	Yes
52	2019	13	Outside US	N/A	Yes

**Note 1:** Delayed child sexual abuse reports are not uncommon, such that the time of the offense is not always known or reliably recorded. Age was calculated from the date of the report to Navy FAP.

**Note 2:** Note 1 pertains. Additionally, because it is not unusual for reports to FAP to include acts of child sexual abuse over time, the location of the child at the time of the offense is not recorded in a format that it can be queried/reported. The location of the FAP that provided report case management is provided.

**Note 3:** Notes 1 and 2 pertain. Additionally, because FAP receives child sexual abuse reports that include both military family member (dependent) and non-beneficiary children, the child's location at the time of the offense(s) is not recorded in a format that can be queried/reported. The presence/absence of an MOA with Child Protective Services for the location of the FAP that provided case management is reported.

**Note 4:** This information is not available.

**Note 5:** All individuals assisting children through FAP have training in providing services to children.

**Note 6:** Includes whether the child was referred to, or already involved in, supportive services in the civilian community.

**Note 7:** The FAP Incident Determination Committee date was used to filter for calendar year. This date maximized the number of closed reports.

### **Marine Corps FAP Response to Q1: Data on Child Sexual Abuse Cases**

Headquarters Marine Corps (HQMC) Family Advocacy Program (FAP) does not collect the requested information. The Defense Incident-Based Reporting system provides a means to collect statistics on criminal incidents such as those defined in section 1044e (g) of title 10, United States Code. The FAP Central Registry is used to analyze the scope of child abuse and domestic abuse, types of abuse, and information about victims and alleged abusers. The mission of the FAP does not include investigation or prosecution of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces. Data regarding domestic partner sexual abuse and child sexual abuse is retained in the central registry for abuser treatment and to facilitate installation records checks on individuals applying to work with or near children in DoD-sponsored activities as required by DoDI 1402.05.

### **Air Force FAP Response to Q1: Data on Child Sexual Abuse Cases**

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The Air Force response to items a. and b. of this question can be found at Attachment 1 (below) and includes the total number of victims according to age level and geographic location (CONUS, OCONUS, or OCONUS/United States).

For item c., each Air Force installation's Family Advocacy Committee is required to ensure memorandums of understanding (MOUs) are executed with the appropriate community partners, to include CPS. Air Force Instruction (AFI) 40-301, Family Advocacy Program, Incorporating Change 1, dated 12 Oct 17, para. 1.10.2.1. Therefore, each installation is expected to have such MOUs in place or have a specified reason as to why such an MOU is not in place (e.g., local CPS or host country equivalent elected not to enter such a formal understanding).

For items d., e., and f., the requested information is not tracked in Air Force FAP databases.

<b>Number of child sexual abuse incidents reported to FAP when offender is Active Duty member - By Age</b>		
<b>Victim's Age</b>	<b>CY 18 Total</b>	<b>CY 19 Total</b>
<b>1 Year old</b>	1	4
<b>2 Years old</b>	0	3
<b>3 Years old</b>	3	8
<b>4 Years old</b>	5	5
<b>5 Years old</b>	7	4
<b>6 Years old</b>	2	4
<b>7 Years old</b>	4	9
<b>8 Years old</b>	4	6
<b>9 Years old</b>	3	0
<b>10 Years old</b>	1	4
<b>11 Years old</b>	9	4
<b>12 Years old</b>	4	2
<b>13 Years old</b>	6	1
<b>14 Years old</b>	5	6
<b>15 Years old</b>	5	5
<b>16 Years old</b>	6	6
<b>17 Years old</b>	5	5
<b>Total</b>	<b>70</b>	<b>76</b>

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## Coast Guard FAP Response to Q1: Data on Child Sexual Abuse Cases

Victim #	Year Closed	Age of victim at time of offense	CONUS/ OCONUS	MOA with CPS (Y/N)	Guardian ad litem appointed (Y/N)	FAP assigned additional liaison or assistant to victim trained in child services (Y/N)	Victim referred to civilian agency for services and treatment (Y/N)
1	2018	13	CONUS	N	N	N	Y
2	2018	17	CONUS	N	N	Y	Y
3	2018	3	OCONUS	Y	N	Y	Y
4	2018	Unk	CONUS	N	N	N	Y
5	2018	Unk	CONUS	N	N	N	Y
6	2019	9	CONUS	N	Y by CPS	Y	Y
7	2019	4	CONUS	N	N	N	Y
8	2019	12	CONUS	N	N	N	Y

**Note:** This information was retrieved from the FAP Data Base on 21 April 2020.

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Question 2: Is there a policy or process for the FAP to obtain a Guardian Ad Litem to represent the interests of a minor victim of an alleged sex-related offense described above?

### Army FAP Response to Q2: Guardian ad Litem Policy

FAP policy [Army Regulation (AR) 608-18, The Army Family Advocacy Program] does not include a provision for Family Advocacy Program staff to obtain a Guardian Ad Litem for minor victims of sex-related offenses that occur in either the Continental United States (CONUS) or Outside the Continental United States (OCONUS). FAP Policy defines a Guardian Ad Litem as a guardian appointed by a court to represent the interests of a child in a child protective case. FAP policy maintains a provision for FAP staff to provide all available records to a Guardian Ad Litem when appointed by a court.

### Navy FAP Response to Q2: Guardian ad Litem Policy

The Family Advocacy Program (FAP) is a treatment and assessment program and not directly linked to the judicial processing of cases of child sexual offense. The FAP does not have a policy or process that provides any guardian *ad litem* (GAL) services to represent the interests of a minor victim of an alleged sex-related offense or any other offense. FAP does not ensure that a GAL is assigned to any FAP cases as the FAP is not a process attached to the civil or criminal court proceedings.

To ensure support of victims, the linkage between installation services and off-post resources is paramount. This includes mandated reporting to the local child protective agency, linking with and coordinating services with the Navy's Victim Legal Counsel and providing victim advocacy to the non-offending parent. Coordination with the Navy's legal resources is intertwined for most FAP processes

### **Marine Corps FAP Response to Q2: Guardian ad Litem Policy**

There is not a policy or process for FAP to obtain a guardian ad litem nor is there the authority to appoint a guardian ad litem. For further details, please contact HQMC Judge Advocate Division (JAD).

### **Air Force FAP Response to Q2: Guardian ad Litem Policy**

The Air Force FAP has not established a policy or process to directly coordinate the services of guardians ad litem (GALs) to represent the interests of a minor victim of an alleged sex-related offense (or any other offense). The FAP makes notification to law enforcement, investigatory agencies, and legal authorities when reports of child sexual abuse are received. In most cases, initial response will be managed through the use of a multidisciplinary team established for this purpose, known as the Child Sexual Maltreatment Response Team (CSMRT). These entities serve in mutually supportive roles, though they operate in parallel and with separate, distinct purposes.

The FAP offers safety planning, clinical intervention, and support to victims and support to non-offending caregivers. As the described GAL would work in the military justice or other criminal system, it would be outside the scope of FAP policy to direct such activities. The most similar service offered through FAP policy would be access to a Domestic Abuse Victim Advocate (DAVA), who offers support, court accompaniment, and advocacy for adult survivors of domestic abuse, to include intimate partner sexual assault. In child sexual abuse cases, a FAP DAVA may be able to offer support and information to non-offending parents or caregivers, but they would not focus their expertise directly on the child victim. Air Force FAP would defer to the court system regarding the appropriateness and appointment of a GAL.

### **Coast Guard FAP Response to Q2: Guardian ad Litem Policy**

The Family Advocacy Program does not have a policy in place to appoint a guardian ad litem to represent the interests of a minor victim of an alleged sex-related offense described above or any other offenses. Currently, the CG utilizes the SVC to represent the best interest of a minor victim of sexual assault. In addition, the Military Judge has the discretion to designate a person to assume the victim's rights under the UCMJ.

Question 3: Would it be beneficial and feasible to create a Guardian Ad Litem program within the FAP to represent the interests of a minor victim of an alleged sex-related offense, instead of relying on MOUs to partner with civilian Guardian Ad Litem programs?

### **Army FAP Response to Q3: Need for Guardian ad Litem program**

It would not be feasible for the Army to create a Guardian Ad Litem program within the Army's FAP program in the absence of DoD Policy. The current DoD Policy for victim advocacy services related to FAP [Department of Defense Instruction (DoDI) 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, Incorporating Change 4, May 26, 2017] establishes limited provisions for domestic abuse advocacy services under the DoD definition of domestic abuse.

Recent changes to DoD standards [Department of Defense Manual (DoDM) 6400.01 volume 1, Family Advocacy Program (FAP): FAP Standards, July 22, 2019] for victim advocacy services specific to problematic sexual behavior in children and youth (PSB-CY) establishes minimum qualification standards for FAP victim advocates in support of children impacted by PSB-CY. These standards provide minimum qualifications for child victim advocates however, these standards do not reflect Guardian Ad Litem services.

Due to the limited instances where it was determined that a Guardian Ad Litem was required it would not be beneficial to maintain service-specific Guardian Ad Litem capabilities. This requirement is fully met by local community agencies.

### **Navy FAP Response to Q3: Need for Guardian ad Litem program**

Under the current mission of reporting, assessment and treatment, FAP is not the most feasible program to implement a GAL framework. While FAP does have trained child therapists and FAP Victim Advocates to support victims of abuse, these individuals are not trained to perform legal advocacy/GAL services. The GAL program represents the child's best interests in every case of abuse or neglect incidents that results in a judicial proceeding. For that reason, if consideration is being given to where to expand a program to support military child victims, it should be considered that the military legal services support this initiative.

Adding a GAL component to the FAP is also not beneficial because it would expand the scope beyond the current congressional mandate and would stretch the role of FAP from advocacy and support to representation in legal proceedings, which is outside of our scope of practice.

To avoid a duplication of services there is value in the military justice system coordinating and establishing MOUs with the civilian legal system and local family court systems to ensure that military children are adequately represented in the judicial process. Each state has statutes that specify when the court must appoint a GAL representative for child abuse and neglect cases. The civilian justice system specifies the required certification and expertise necessary to serve as a GAL.

The FAP is a treatment and assessment program and not related to the judicial process. Within FAP, the non-offending parent can obtain victim advocacy services from a FAP Victim Advocate. These services are advocacy based and do not have the same responsibilities as a GAL. FAP VAs provide advocacy services to non-offending parents, they do not represent the child directly.

#### **Marine Corps FAP Response to Q3: Need for Guardian ad Litem program**

In accordance with DoDI 6400.01, FAP promotes healthy relationship development through prevention, identification, assessment, advocacy, reporting, and response to child abuse, domestic abuse, and problematic sexual behaviors in children and youth. The role of guardian ad litem is outside the scope of FAP and could create a conflict of interest. FAP is not investigative and personnel are not required to have a legal background. FAP is available to provide subject matter expertise on child abuse.

#### **Air Force FAP Response to Q3: Need for Guardian ad Litem program**

No. The Air Force FAP acknowledges that while there may be value in having a military GAL program, creating such a position within the FAP would blur the lines between the FAP role of safety planning, providing support, and offering treatment and the role of investigatory and legal entities. Furthermore, the number of child sexual abuse cases referred to the FAP, per base, would be too small to justify a position dedicated to this function at the installation level.

#### **Coast Guard FAP Response to Q3: Need for Guardian ad Litem program**

Currently, the number of minor victims requiring independent representation is low. Creating an entire GAL program would not offer any additional benefit. If needed, USCG can provide a representative to serve in a capacity similar to that of a guardian ad litem in those cases were it would be appropriate.

Question 4: Would it be beneficial and feasible to expand Family Advocacy Program services OCONUS to serve victims of child abuse and neglect who are dependents overseas? Or does this already exist in your Service?

#### **Army FAP Response to Q4: OCONUS Needs**

No response provided

**Navy FAP Response to Q4: OCONUS Needs**

Family Advocacy Program serves to support victims in OCONUS and CONUS locations. Victims of child abuse and neglect who are OCONUS are eligible for FAP services.

**Marine Corps FAP Response to Q4: OCONUS Needs**

FAP provides counseling services to victims of child abuse and neglect, counseling services to parents, and victim advocacy services to non-abusing parents CONUS and OCONUS. Numerous prevention services are also available to promote protective factors and reduce risk factors associated with child abuse and neglect. These services include home visitation, parenting classes, Baby Boot Camp, and play groups. FAP personnel can provide subject matter expertise on child abuse to requesting individuals, such as an appointed guardians ad litem.

**Air Force FAP Response to Q4: OCONUS Needs**

Serving victims of child abuse and neglect who are dependents is already part of Air Force FAP's mandate, whether stateside or overseas. In OCONUS locations, not having the depth and breadth of community support services as that found within the United States can make FAP operations more challenging. However, the Air Force FAP mitigates this challenge by partnering with the personnel system and employing various family relocation options to move impacted families to more appropriate locations to address their needs. For example, lack of an appropriate CPS structure has historically been sufficient justification to grant a Humanitarian Reassignment from an OCONUS location. It would not be feasible to try to replicate such structures at an overseas installation.

**Coast Guard FAP Response to Q4: OCONUS Needs**

The USCG has onsite Family Advocacy services in certain OCONUS locations. In OCONUS locations where the USCG does not have a FAP, the local OCONUS DoD FAP or DOS FAP will provide initial services to CG family members, then work collaboratively with a USCG FAP to provide ongoing services.

Question 5: Please provide any additional comments or feedback regarding the need for a guardian ad litem for minor victims or additional services for child victims of sex-related offenses that would be helpful for the DAC-IPAD to consider in its evaluation and report to Congress on this issue.

### **Army FAP Response to Q5: Additional Comments**

No response provided.

### **Navy FAP Response to Q5: Additional Comments**

Additional services for child victims are identified below:

- NAVPERSCOM (PERS-8) Control Flag

A flag placed in the personnel data system by NAVPERSCOM (PERS-8) for all suspected child sexual abuse cases. This flag may restrict transfers, reenlistments, advancements and/or promotions of active duty offenders until case resolution. A member is notified of these restrictions by NAVPERSCOM via their CO after the case has been reported. The flag is lifted by NAVPERSCOM (PERS-8) at case resolution and if there are no further restrictions.

- FAP – Child Victim Advocacy Services

Similar to domestic violence situations, FAP Victim Advocates (FAP VA) provide a wide variety of advocacy services to non-offending parents/caregivers of children who have experienced abuse. FAP VA works to help create a safe environment where understanding of the trauma is increased and the resiliency of the victim is protected. Services include providing information and referral services, support, and ongoing safety planning. Because violence often disrupts child development and creates chaos in a family, FAP VAs work with the non-offending parent to receive supportive resources, develop positive life skills, and help create the vision of a strong, safe, and non-violent family. By engaging the non-offending parent and involving them in addressing the impacts of violence on their children, FAP VAs facilitate a strong familial bond and increase the parent understanding of the effects of violence on children.

- Child Therapist

Provides assessment and treatment of children and demonstrated experience working with children exposed to family violence or victims of child abuse. Child Therapists provide specialized and focused services to children, provide immediate intervention and risk assessment IAW best practices in the mental health community and educate and ensure adequate referral and follow-up of any case presenting suicidal or homicidal risk.

- Victims' Legal Counsel (VLC)

The Navy Victims' Legal Counsel Program provides survivors of a sexual offense with a dedicated attorney to help victims understand the investigation and military justice process, guard their legal rights and interests and obtain additional support in accessing resources that may assist in their recovery. This attorney is provided to Navy service members and other eligible victims of

sexual offenses at Navy expense. VLC services are provided to children who were allegedly assaulted by an active duty Navy member and not by a dependent/child.

Victims' Legal Counsel complement the care and support victims already receive through Sexual Assault Response Coordinators (SARCs), Family Advocacy Program (FAP) Victim Advocates (VAs) personnel by providing legal counsel and advice on sexual offense reporting options as well as legal support during the investigation and disciplinary processing of those reports.

Navy victims of a sexual offense have an opportunity to discuss their concerns with someone who represents only their interests so that they are prepared to participate more comfortably and effectively in the investigation and processing of their cases. In order to be eligible to receive legal services from the VLC Program, you must be a victim of a sexual offense and otherwise eligible for legal services from a military attorney. Sexual offenses include rape and sexual assault; stalking; rape and sexual assault of a child; and other sexual misconduct noted in Article 120c of the Uniform Code of Military Justice. Victims eligible for VLC services include: Active-Duty and Reserve personnel; other service personnel, retirees when assaulted by an active-duty Navy member; and dependents, including spouses and children, of active-duty Navy members when assaulted by an active-duty member. Certain overseas Department of Navy civilian employees may also be eligible to receive services from the VLC Program.

- Victim and Witness Assistance Program (VWAP)

Victims and witnesses often face adverse effects from crime. Victims and witnesses should not face the effects of crime alone. The Victim Witness Assistance Program (VWAP) ensures victims and witnesses are provided with meaningful assistance once a crime is reported. The VWAP is specifically designed to lessen the effects of crime on victims and witnesses and to help them understand and participate in the military justice process. The VWAP uses a multi-disciplinary approach to assist victims and witnesses. This approach combines the services of law enforcement, family advocacy, medical, legal, and corrections personnel.

VWAP is a support that reduce the trauma, frustration and inconvenience experienced by victims and witnesses of crime; inform victims of their statutory rights; and, assist victim and witness understanding of the military justice process.

When a person suffers direct physical, emotional or pecuniary harm as the result of a commission of a crime in violation of the UCMJ (or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD components), including but not limited military members and their family members; when stationed OCONUS, DoD civilian employees and contractors, and their family members.

Services are available to victims under age 18, incompetent, incapacitated, or deceased (in order of preference): a spouse, legal guardian, parent, child, sibling, other family member, or court designated person.

### **Marine Corps FAP Response to Q5: Additional Comments**

A formalized system for identifying guardians ad litem would be valuable to children in need of such services. Some states require guardians ad litem to be attorneys; therefore, having a military attorney available to act as a guardian ad litem may be advantageous. Individuals acting as guardians ad litem would benefit from additional training on topics to include child abuse, child development, cultural awareness, interview techniques, and relevant laws and regulations. FAP staff may be able to facilitate some of these trainings that align within FAP's scope of practice and current programming and provide resources to military appointed guardians ad litem. For further details regarding any feedback for a need for guardians ad litem, please contact HQMC JAD.

### **Air Force FAP Response to Q5: Additional Comments**

Air Force FAP has been in open communication with representatives from the Air Force legal community regarding the utility of a GAL program. Air Force FAP has concerns that assigning an SVC to a child victim of sexual assault may not be a suitable alternative. It would be more appropriate to assign child victims a GAL to make decisions in the best interest of the child. The unique perspectives these positions take with regard to child victims, to include risks and benefits of each, have been discussed. Air Force FAP understands that the Air Force legal community continues to explore this issue and stands by to support them in the study of this matter.

### **Coast Guard FAP Response to Q5: Additional Comments**

The USCG has sufficient support for minor victims of sexual assault. All allegations of child sexual abuse are reported to the FAP, Child Protective Services, CG Investigative Services and the Special Victim's Counsel Program. As appropriate, child sexual abuse victims are referred to a Child Advocacy Centers for services. The minor child victim and their family members are provided services, as required and as appropriate. Therefore, guardian ad litem services are not needed at the current time.

### **Requested documents:**

1. All FAP policies, regulations, or guidance that address guardian ad litem representation of victims under the age of 18.

### **Army FAP Response: FAP Policies**

- a. Army Regulation (AR) 608-18, The Army Family Advocacy Program,

b. Department of Defense Instruction (DoDI) 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, Incorporating Change 4, May 26, 2017.

c. Department of Defense Manual (DoDM) 6400.01 volume 1, Family Advocacy Program (FAP): FAP Standards, July 22, 2019.

MEMORANDUM from Clinical Director, Family Advocacy Program Behavioral Health Service Line to Family Advocacy Program, subject: Family Advocacy Program / Case Review Committee (15 November 2017).

**Navy FAP Response: FAP Policies**

Navy Child Advocacy Guide for Victim Advocates (Sep 30, 2017)

OPNAVINST 1752.2B (Apr 25, 2008)

\*There are no FAP policies, regulations or guidance that address guardian ad litem

**Marine Corps FAP Response: FAP Policies**

FAP does not have policies that address guardian ad litem representation.

**Air Force FAP Response: FAP Policies**

Air Force FAP policy does not directly discuss guardian ad litem representation. Nonetheless, AFI 40-301 provides the basis of Air Force policy guidance regarding the prevention of and response to domestic abuse, child abuse, and neglect.

**Coast Guard FAP Response: FAP Policies**

No response.

2. MOAs/MOUs between FAP and State/Local Child Protection Service organizations or other organizations that address the appointment of guardians ad litem for victims under the age of 18 in criminal cases involving Service member subjects. If there are more than five such MOAs/MOUs, please provide five as a representative sample. If there are fewer than five, please provide all relevant MOA/MOUs.

### **Army FAP Response: MOAs/MOUs**

The request for Memorandum's of Understanding specific to Guardian Ad Litem services cannot be provided. The installations do not establish specific MOUs for this support since these services are appointed by the civilian court or child welfare services.

### **Navy FAP Response: MOAs/MOUs**

- CNIC has no knowledge of a MOA/MOU that exist to address the appointment of guardian ad litem for victims under the age of 18.
- OSD has a Child Welfare Information Sharing Initiative that they have been working since 2015. OSD is working with state liaisons in all 50 states to create legislation or policy that directs state CPS to inform the closet military FAP of CAN allegations in AD military families. This is not a Navy program but when the Navy is informed of changes to state legislation, the Navy informs the regions. As of Feb 2020, 19 states had developed child protective services to FAP notification policies.
- The Navy is currently collaborating with the Coordinator for Services to Military Families, from the National Child Alliance to develop an MOU between CNIC Counseling, Advocacy and Prevention Program and the NCA. This MOU will serve to guide and support the collaborative relationship between the installation Navy FAP programs and their local Child Advocacy Centers. This agreement will outline each entity's responsibilities in providing services and support to families impacted by PSB-CY.

### **Marine Corps FAP Response: MOAs/MOUs**

Installation FAPs have MOUs/MOAs with their local Child Welfare Systems; however, these agreements do not speak to the appointment of guardians ad litem. We recommend reaching out to Marine Corps Installations Command (MCICOM) at HQMC to gather more information about installation level MOUs/MOAs.

### **Air Force FAP Response: MOAs/MOUs**

Example MOUs from Air Force installations

- Buckley AFB, CO
- Keesler AFB, MS
- Nellis AFB, NV
- Seymour Johnson AFB, NC
- Whiteman AFB, MO

*Example MOUs not releasable by the DAC-IPAD*

**Coast Guard FAP Response: MOAs/MOUs**

No response.

3. Training materials and FAP policies, regulations, or guidance relating to FAP services and treatment for child victims of alleged sex-related offenses.

**Army FAP Response: Training Materials**

No response.

**Navy FAP Response: Training Materials**

- a. Non-offending caregivers guide.
- b. Reporting requirements (OPNAV 1752.2B, Enclosure 7)
- c. The Family Advocacy Command Assistance Team (FACAT):
  - The FACAT is DoD's rapid-response team, which may be deployed when there are numerous child sexual abuse victims in an out-of-home care program. The FACAT provides a coordinated and comprehensive DoD response through the deployment of the members to assist the Military Department upon DoD Component request to address allegations of extra familial child sexual abuse in DoD-sanctioned activities. The FACAT helps local personnel manage the case and provides expert advice and on-site training. It is a multidisciplinary joint-service, or "purple," team of trained experts brought to an installation to investigate the allegations while ensuring the welfare of child victims, their families, and the military community.
  - The FACAT fosters cooperation among the DoD, other Federal agencies, and responsible civilian authorities when addressing allegations of extra familial child sexual abuse in DoD-sanctioned activities. It promotes timely and comprehensive reporting of all incidents covered by DoDI 6400.03. The DOD team is especially useful to ensure adequate and prompt investigation and to avoid the appearance of Service cover-up in highly sensitive cases. Team size may vary from five to seven individuals based on the needs of the installation.

**Marine Corps FAP Response: Training Materials**

Counseling services are delivered in accordance with DoDI 6400.01, DoDM 6400.01 V-1, DoDM 6400.01 V-4, and MCO 1754.11. In accordance with MCO 1754.11, Marine Corps FAP

clinicians use evidence-based treatment modalities and must be trained in the modality prior to use.

#### **Air Force FAP Response: Training Materials**

The starting point for the Air Force FAP is AFI 40-301. It lays the foundation for the FAP response to the spectrum of domestic abuse and child abuse and neglect incidents, as well as aspects of the coordinated community response. With regard to the specific topic of child sex-related offenses, information regarding the CSMRT found in paragraph 2.2.7 may be of particular interest.

The Air Force FAP maintains a wealth of other training and informational resources, much of which is tied to past basic skills trainings and annual advanced trainings for FAP field staffs. As examples most pertinent to the discussion of child victims of sex-related offenses, current training available for our Air Force DAVA team members can be found within the supporting documents at Attachment 2. These documents include a briefing that outlines how the DAVA is incorporated into the FAP crisis response protocols, the DAVA training workbook, and expanded guidance that allows DAVAs to support non-offending caregivers.

#### **Coast Guard FAP Response: Training Materials**

No response.

**Defense Advisory Committee on Investigation, Prosecution, and  
Defense of Sexual Assault in the Armed Forces (DAC-IPAD)**

**Request for Information**  
**From the Trial Judiciary of the Military Services**

**RFI Set 17, Questions 1-6, Documents 1-2**

**Topic: Appointment of Guardians ad Litem for Minor Victims of Sex-Related Offenses**

**Date of Request: March 19, 2020**

**I. Purpose**

- A. The DAC-IPAD is a federal advisory committee established by the Secretary of Defense pursuant to section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended.
- B. The mission of the Committee is to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.
- C. The DAC-IPAD requests the below information to facilitate its required review of cases involving allegations of sexual misconduct on an ongoing basis for purposes of providing advice to the Secretary of Defense.

**II. Summary of Requested Response Dates**

Suspense	Question(s)	Proponent
<b>April 22, 2020</b>	Questions 1-6 and Documents 1-2	Provide narrative responses regarding guardians ad litem for minor victims of sex-related offenses in courts-martial; and the requested policies, regulations, and guidance.

**III. Narrative Questions for Members of the Trial Judiciary Regarding Guardians ad Litem for Minor Victims of Sex-Related Offenses**

**Background:**

U.S. House of Representatives Report 116-120, part 1, (2019), accompanying H.R. 2500, contains a request for the DAC-IPAD to evaluate the need for, and feasibility of, the appointment of guardians ad litem for minor victims of sex-related offenses. Specifically, Section 421 of the House Report states the following:

### *Appointment of Guardian ad Litem for Minor Victims*

The [Committee on Armed Services of the U.S. House of Representatives] is concerned for the welfare of minor, military dependents who are victims of an alleged sex-related offense. The committee acknowledges the Department of Defense's continued efforts to implement services in support of service members who are victims of sexual assault and further, to expand some of these services to dependents who are victims. However, the committee remains concerned that there is not an adequate mechanism within the military court-martial process to represent the best interests of minor victims following an alleged sex-related offense.

Therefore, not later than 180 days after the date of the enactment of this Act, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces shall submit to the Committees on the Armed Services of the Senate and the House of Representatives a report that evaluates the need for, and the feasibility of, establishing a process under which a guardian ad litem may be appointed to represent the interests of a victim of an alleged sex-related offense (as that term is defined in section 1044e(g) of title 10, United States Code) who has not attained the age of 18 years.

**Request for Information from Trial Judges: For the following questions, please respond generically, without identifying specific cases or individual names. This request does not seek commentary on policy proposals. All answers can be provided as narrative responses.**

- Question 1: In your experience as a trial judge, please describe any situations in which a guardian ad litem (GAL) represented a child victim of a sex-related offense, and include your assessment of the GAL's role in the process. In such cases, please explain whether the GAL was appointed as the Article 6b representative in the case, and whether the child victim also was represented by legal counsel/SVC/VLC.
- Question 2: In your experience as a trial judge, please describe your assessment of the role of the legal counsel/SVC/VLC assigned to a child victim of a sex-related offense in a court-martial and whether there were challenges that the legal counsel/SVC/VLC could not address.
- Question 3: In your experience as a trial judge, please describe any trial situations or scenarios in which it would be helpful or relevant to consider a child victim's "best interest" rather than the "expressed interest" of the child. Please identify any characteristics of the situation informing this answer, such as the age of the victim at the time of the offense, whether the child victim was represented by legal counsel/SVC/VLC, and any other factors.
- Question 4: In your experience as a trial judge, please describe any situations in a court-martial proceeding in which a child victim's "expressed interest" conflicted with a "best

interest of the child” consideration.

Question 5: Can you suggest a situation in which three separate representatives for a child victim of a sex-related offense would be helpful in the court-martial process: a legal counsel/SVC/VLC, an Article 6b representative, and a GAL?

Question 6: Please provide any additional comments or feedback regarding the role of a guardian ad litem for minor victims of sex-related offenses that would be helpful for the DAC-IPAD to consider in its evaluation and report to Congress on this issue.

**IV. Request for Policies, Regulations, and Other Written Documents Related to Guardians ad Litem Appointed for Minor Victims**

**Requested documents:**

1. All trial judiciary guidance, training materials, or rules relating to treatment of or protections for child victims or witnesses in courts-martial from all sources, including the Service Judge Advocate General’s Schools, National Judicial College, and materials originating within the Trial Judiciary.
2. All trial judiciary guidance, training materials, or rules that address guardian ad litem representation or involvement for victims or witnesses under the age of 18 in courts-martial from all sources, including the Service Judge Advocate Schools, National Judicial College, and materials originating within the Trial Judiciary.

Question 1: In your experience as a trial judge, please describe any situations in which a guardian ad litem (GAL) represented a child victim of a sex-related offense, and include your assessment of the GAL's role in the process. In such cases, please explain whether the GAL was appointed as the Article 6b representative in the case, and whether the child victim also was represented by legal counsel/SVC/VLC.

**Army Trial Judiciary Response to Q1: Assessment of Guardians ad Litem**

Excel Spreadsheet, Art 6b Report (2020), submitted by the Criminal Law Division, Office of The Judge Advocate General in response to RFI 15 indicates that the trial judiciary was only aware of the appointment of one GAL in an Army court-martial proceeding. As a single appointment prevents us from protecting the anonymity of that individual, the Army Trial Judiciary is precluded by the Code of Judicial Conduct for Army Trial and Appellate Judges, 16 May 2008 (Code of Conduct) from assessing the performance of the GAL.

**Navy-Marine Corps Trial Judiciary Response to Q1: Assessment of Guardians ad Litem**

It is extremely rare for a GAL of a child victim to enter an appearance in a Department of the Navy court-martial. I never presided over a case in which a GAL entered an appearance or where I directed Trial Counsel or the VLC to identify a GAL for appointment. I am only aware of one case in which the appointment of a GAL was a litigated issue, and the circumstances of that case are fully set forth in Colonel David Bligh's letter to you of March 12, 2020. There was a VLC in that case in addition to the GAL.

**Air Force Trial Judiciary Response to Q1: Assessment of Guardians ad Litem**

The Air Force Trial Judiciary defers to the Air Force military justice division (AFLOA/JAJM) and responses of the United States Air Force in RFI Set 15 (Attachment 1 hereto) for descriptions of situations in which a guardian ad litem represented a child victim of a sex-related offense, and for explanations of possible involvement by an Article 6b representative, a guardian ad litem, or legal counsel/SVC/VLC.

Furthermore, mindful of the requirements of the Air Force Uniform Code of Judicial Conduct (Attachment 2 hereto), and given the limited number of cases involving GALs, the trial judges are not able to provide an assessment of each respective GAL's performance as it would reflect directly on those particular GALs and could potentially invade the judge's deliberative process as to those particular cases. Furthermore, this would potentially violate the Air Force Uniform Code of Judicial Conduct, which is modeled on the ABA Model Code of Judicial Conduct (August 1990), specifically Canon 1A, the commentary to which states that "Congress has created a military judiciary which is intended to be independent. Accordingly, judges must recognize and safeguard against any affront to the independence of a court, such as attempted unlawful influence by a commander or other superior, or invasion of the deliberative process." The commentary goes on to state that "[m]ilitary judges must ensure that their conduct comports, and is perceived to comport, with the principle of judicial independence and integrity. That principle includes maintaining the confidentiality of the deliberative process and the invocation, when necessary, of qualified judicial

privilege.”

### **Coast Guard Trial Judiciary Response to Q1: Assessment of Guardians ad Litem**

The Coast Guard Trial Judiciary defers to the Coast Guard Office of Military Justice (CG-LMJ) and responses of the United States Coast Guard in RFI Set 15 (Attachment 1 hereto) for descriptions of situations in which a guardian ad litem represented a child victim of a sex-related offense, and for explanations of possible involvement by an Article 6b representative, a guardian ad litem, or legal counsel/SVC/VLC.

Furthermore, mindful of the requirements of the Code of Judicial Conduct for Coast Guard Trial and Appellate Judges (Enclosure (6) to Coast Guard Legal Professional Responsibility Program, COMDTINST M5800.1. Included as attachment 2 hereto), and given the limited number of cases involving GALs, the trial judges are not able to provide an assessment of each respective GAL’s performance as it would reflect directly on those particular GALs and could potentially invade the judge’s deliberative process as to those particular cases. Furthermore, this would potentially violate the Code of Judicial Conduct, which is modeled on the ABA Model Code of Judicial Conduct (August 1990), specifically Canon 1A, the commentary to which states that “Congress has created a military judiciary which is intended to be independent. Accordingly, judges must recognize and safeguard against any affront to the independence of a court, such as attempted unlawful influence by a commander or other superior, or invasion of the deliberative process.” The commentary goes on to state that “[m]ilitary judges must ensure that their conduct comports, and is perceived to comport, with the principle of judicial independence and integrity. That principle includes maintaining the confidentiality of the deliberative process and the invocation, when necessary, of qualified judicial privilege.”

Question 2: In your experience as a trial judge, please describe your assessment of the role of the legal counsel/SVC/VLC assigned to a child victim of a sex-related offense in a court martial and whether there were challenges that the legal counsel/SVC/VLC could not address.

### **Army Trial Judiciary Response to Q2: Assessment of SVC/VLC Role**

The Trial Judiciary, governed by the requirements of the Code of Conduct, defers any assessment of current policy and recommendations to the Criminal Law Division of The Office of The Judge Advocate General.

### **Navy-Marine Corps Trial Judiciary Response to Q2: Assessment of SVC/VLC Role**

The VLCs I observed in court were always professional. I never observed a challenge the VLC could not address. I presumed that each VLC was attempting to effectuate their client's expressed interest, unless the client was too young to express an interest, in which case I presumed that the Article 6b Representative and VLC were acting in the minor child's best interest. I never observed anything that contradicted that assumption.

### **Air Force Trial Judiciary Response to Q2: Assessment of SVC/VLC Role**

Air Force trial judges cannot provide an assessment of any child victim's legal counsel/SVC/VLC or to identify any challenges they could not address. This would again potentially violate Canon 1A cited above. Additionally, to the extent such an assessment would also be used to promote or effect legislative changes in the rights of representation for victims, it could also implicate Canon 2B which states that a judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; Canon 3B(2) which states that a judge shall be faithful to the law and that a judge shall not be swayed by partisan interests, public clamor, or fear of criticism; Canon 3B(5), the commentary to which states that a judge must perform judicial duties impartially and fairly; Canon 3B(9) which states that judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial; Canon 4A, which states that a judge shall conduct the judge's extrajudicial activities so as to minimize the risk of conflict with judicial obligations; and Canon 4C which states that a judge shall not appear at a public hearing before, or otherwise consult with, an executive or legislative body or official except on matters concerning the law, the legal system or the administration of justice or except when acting pro se in a matter involving the judge or the judge's interests.

### **Coast Guard Trial Judiciary Response to Q2: Assessment of SVC/VLC Role**

Coast Guard trial judges are unwilling to provide an assessment of any child victim's legal counsel/SVC/VLC or to identify any challenges they could not address. This would again potentially violate Canon 1A cited above. Additionally, to the extent such an assessment would also be used to promote or effect legislative changes in the rights of representation for victims, it could also implicate Canon 2B which states that a judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; Canon 3B(2) which states that a judge shall be faithful to the law and that a judge shall not be swayed by partisan interests, public clamor, or fear of criticism; Canon 3B(5), the commentary to which states that a judge must perform judicial duties impartially and fairly; Canon 3B(9) which states that judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial; Canon 4A, which states that a judge shall conduct the judge's extrajudicial activities so as to minimize the risk of conflict with judicial obligations; and Canon 4C which states that a judge shall not appear at a public hearing before, or otherwise consult with, an executive or legislative body or official except on matters concerning the law, the legal system or the administration of justice or except when acting pro se in a matter involving the judge or the judge's interests.

Question 3: In your experience as a trial judge, please describe any trial situations or scenarios in which it would be helpful or relevant to consider a child victim's "best interest" rather than the "expressed interest" of the child. Please identify any characteristics of the situation informing this answer, such as the age of the victim at the time of the offense, whether the child victim was represented by legal counsel/SVC/VLC, and any other factors.

### **Army Trial Judiciary Response to Q3: Need for Best Interest Advocate**

The Trial Judiciary, governed by the requirements of the Code of Conduct, defers any assessment of current policy and recommendations to the Criminal Law Division of The Office of The Judge Advocate General.

**Navy-Marine Corps Trial Judiciary Response to Q3: Need for Best Interest Advocate**

In the vast majority of cases the parties agree on who the Article 6b representative should be. I was never presented with any issue in which the action or decision of an Article 6b representative or a VLC was alleged not to be in the child's best interest by any party or participant. Conflicts between a child's expressed interest and best interest might theoretically arise in an alleged victim's choices and election of whether to exercise certain rights, but I was never presented with that type of disagreement.

**Air Force Trial Judiciary Response to Q3: Need for Best Interest Advocate**

Air Force trial judges cannot provide any commentary on situations where the “best interest of the child” standard would be more helpful than the “expressed interest” of the child, or discuss situations where the two standards might be in conflict. Answering these questions would potentially implicate Canons 1A, 2B, 3B, 4A, and 4C for the responding judge, even if the answers were provided anonymously.

**Coast Guard Trial Judiciary Response to Q3: Need for Best Interest Advocate**

Coast Guard trial judges are unwilling to provide any commentary on situations where the “best interest of the child” standard would be more helpful than the “expressed interest” of the child, or discuss situations where the two standards might be in conflict. Answering these questions would potentially implicate Canons 1A, 2B, 3B, 4A, and 4C for the responding judge, even if the answers were provided anonymously.

Question 4: In your experience as a trial judge, please describe any situations in a court-martial proceeding in which a child victim’s “expressed interest” conflicted with a “best interest of the child” consideration.

**Army Trial Judiciary Response to Q4: Conflicts Between Expressed and Best Interest**

The Trial Judiciary, governed by the requirements of the Code of Conduct, defers any assessment of current policy and recommendations to the Criminal Law Division of The Office of The Judge Advocate General.

**Navy-Marine Corps Trial Judiciary Response to Q4: Conflicts Between Expressed and Best Interest**

Military judges resolve issues that are presented to them or that are raised by the evidence. I was never presented with any issue in which the action or decision of an Article 6b representative or a VLC was alleged not to be in the child's best interest. I tried never to speculate about why the victim, Article 6b representative, and/or VLC made the choices or election of rights they did because I recognized there was an array of information those participants possessed that was never presented to the military judge.

#### **Air Force Trial Judiciary Response to Q4: Conflicts Between Expressed and Best Interest**

Air Force trial judges cannot provide any commentary on situations where the “best interest of the child” standard would be more helpful than the “expressed interest” of the child, or discuss situations where the two standards might be in conflict. Answering these questions would potentially implicate Canons 1A, 2B, B, 4A, and 4C for the responding judge, even if the answers were provided anonymously.

#### **Coast Guard Trial Judiciary Response to Q4: Conflicts Between Expressed and Best Interest**

Coast Guard trial judges are unwilling to provide any commentary on situations where the “best interest of the child” standard would be more helpful than the “expressed interest” of the child or discuss situations where the two standards might be in conflict. Answering these questions would potentially implicate Canons 1A, 2B, 3B, 4A, and 4C for the responding judge, even if the answers were provided anonymously.

Question 5: Can you suggest a situation in which three separate representatives for a child victim of a sex-related offense would be helpful in the court-martial process: a legal counsel/SVC/VLC, an Article 6b representative, and a GAL?

#### **Army Trial Judiciary Response to Q5: Need for Another Representative for Children**

The Trial Judiciary, governed by the requirements of the Code of Conduct, defers any assessment of current policy and recommendations to the Criminal Law Division of The Office of The Judge Advocate General.

#### **Navy-Marine Corps Trial Judiciary Response to Q5: Need for Another Representative for Children**

As indicated, I have never been presented with a situation in which I thought a GAL was required. However, I would think the situation is not dissimilar to the situation in which an adult victim has both a civilian counsel and a Navy or Marine Corps Victims' Legal Counsel. I observed that situation on a couple of occasions and understood that the alleged victim had both elected a civilian advocate and also retained the VLC because the civilian counsel was not familiar with the court-martial process. I defer to the Chief of Staff of the Victims' Legal Counsel Program as to whether

both are required to provide adequate representation to an alleged child victim.

**Air Force Trial Judiciary Response to Q5: Need for Another Representative for Children**

Air Force trial judges cannot provide any commentary on situations where it might be helpful to have a victim counsel, Art 6b designee, and a GAL. Answering this question would potentially implicate Canons 1A, 2 , 3B, 4A and 4C for the responding judge, even if the answers were provided anonymously.

**Coast Guard Trial Judiciary Response to Q5: Need for Another Representative for Children**

Coast Guard trial judges are unwilling to provide any commentary on situations where it might be helpful to have a victim counsel, Art 6b designee, and a GAL. Answering this question would potentially implicate Canons 1A, 2B, B, 4A and 4C for the responding judge, even if the answers were provided anonymously.

Question 6: Please provide any additional comments or feedback regarding the role of a guardian ad litem for minor victims of sex-related offenses that would be helpful for the DACIPAD to consider in its evaluation and report to Congress on this issue.

**Army Trial Judiciary Response to Q6: Additional Comments**

The Trial Judiciary, governed by the requirements of the Code of Conduct, defers any assessment of current policy and recommendations to the Criminal Law Division of The Office of The Judge Advocate General.

**Navy-Marine Corps Trial Judiciary Response to Q6: Additional Comments**

I do not have additional information to provide.

**Air Force Trial Judiciary Response to Q6: Additional Comments**

Given the limited number of cases involving GALs, Air Force trial judges cannot provide an assessment of each respective GAL's performance as it would reflect directly on those particular GALs and could potentially invade the judge's deliberative process as to those particular cases.

**Coast Guard Trial Judiciary Response to Q6: Additional Comments**

Given the limited number of cases involving GALs, Coast Guard trial judges are not able to provide an assessment of each respective GAL's performance as it would reflect directly on those particular GALs and could potentially invade the judge's deliberative process as to those particular cases.

**Requested documents:**

1. All trial judiciary guidance, training materials, or rules relating to treatment of or protections for child victims or witnesses in courts-martial from all sources, including the Service Judge Advocate General's Schools, National Judicial College, and materials originating within the Trial Judiciary.

**Army Trial Judiciary Response: Policies Relating to Protection of Child Victims**

Rules of Practice before Army Courts-Martial 20190101, Template PTO-2020, and the Code of Conduct.

**Navy-Marine Corps Trial Judiciary Response: Policies Relating to Protection of Child Victims**

The Judge Advocate General of the Army's Legal Center and School (TJAGLCS) in Charlottesville, Virginia, is where all new judges from all services are trained and is the appropriate release authority for materials related to the Military Judge's Course. The National Judicial College in Reno, Nevada, would be the appropriate release authority for any materials developed by the National Judicial College. In 2017, the Navy-Marine Corps Trial Judiciary (NMCTJ) conducted a training for the NMCTJ that focused on various issues that arise in cases involving child victims, and the itinerary for that course is attached. Rule 38 of the NMCTJ's Uniform Rules of Practice and Procedure concerns Article 6b representatives and was previously provided as an enclosure to Colonel David Bligh's letter to you of March 12, 2020.

**Air Force Trial Judiciary Response: Policies Relating to Protection of Child Victims**

The Air Force Trial Judiciary has no published guidance or training materials specifically applicable to child victims or GALs. The Uniform Rules of Practice before Air Force Courts-Martial include Rule 8.4, which concerns persons of limited standing and their counsel. No Rules specifically address GAL appointments.

**Coast Guard Trial Judiciary Response: Policies Relating to Protection of Child Victims**

The Coast Guard Trial Judiciary has no published guidance or training materials specifically applicable to child victims or GALs. The Court Rules of Practice and Procedure Before Coast Guard Courts-Martial includes Rule 4.3, which concerns Special Victim Counsel and Rule 5, which concerns appointment of a designee for certain alleged victims. (Attachment 3 hereto.)

2. All trial judiciary guidance, training materials, or rules that address guardian ad litem representation or involvement for victims or witnesses under the age of 18 in courts-martial from all sources, including the Service Judge Advocate Schools, National Judicial College, and materials originating within the Trial Judiciary.

**Army Trial Judiciary Response: Policies and Training Materials on Guardians ad Litem**

Enclosed are the schedule for the Military Judge's Course from The Judge Advocate General Legal Center and School and training slides from that course regarding representation of minors.

**Navy-Marine Corps Trial Judiciary Response: Policies and Training Materials on Guardians ad Litem**

Again, TJAGLCS is the appropriate release authority for materials related to the Military Judge's Course. The National Judicial College in Reno, Nevada, would be the appropriate release authority for any materials developed by the National Judicial College. The NMCTJ has not developed training materials specific to GAL.

**Air Force Trial Judiciary Response: Policies and Training Materials on Guardians ad Litem**

The Air Force Trial Judiciary has no published guidance or training materials specifically applicable to child victims or GALs. The Uniform Rules of Practice before Air Force Courts- Martial include Rule 8.4, which concerns persons of limited standing and their counsel. No Rules specifically address GAL appointments.

**Coast Guard Trial Judiciary Response: Policies and Training Materials on Guardians ad Litem**

The Coast Guard Trial Judiciary has no published guidance or training materials specifically applicable to child victims or GALs. The Court Rules of Practice and Procedure Before Coast Guard Courts-Martial includes Rule 4.3, which concerns Special Victim Counsel and Rule 5, which concerns appointment of a designee for certain alleged victims. (Attachment 3 hereto.)