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MANPOWER AND RESERVE AFFAIRS

January 21, 2026

Chairwoman Susan Humphries
Chair, House Committee on Judiciary

Remarks of
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Support of HB2243 – AN ACT concerning children and minors; relating to children in need of care; children involved with the military; referral to a military family advocacy program; requiring the secretary for children and families to enter into a memorandum of understanding with military installations; amending K.S.A. 38-2230 and repealing the existing section.

Testimony

Madame Chair and honorable members of the House Committee on Judiciary, the Department of War is grateful for the opportunity to support the policies reflected in HB2243, an act relating to child abuse and neglect, and hopes that Kansas will join the nearly 40 other states that have passed similar legislation on this issue. Even one child's life is worth this effort.

My name is Tammie Perreault. I am a Regional Liaison at the DoW Defense-State Liaison Office, operating under the direction of Under Secretary of War for Personnel and Readiness.

We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of War, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

The DoD relies on working in collaboration with state and local governments to fulfill its statutory obligation to address child abuse and neglect.

Particularly for those that do not know the military way of life, unlike civilian employers, the military services have the obligation to know what is happening with our service members and families. Being a service member is not a nine to five job. Information sharing between the Department of War and local authorities must be accomplished at the start of a child abuse or neglect investigation, not after adjudication.
HB2243 allows the reporting of child abuse to the appropriate military installation when the child is a military family member. This law ensures efforts to determine the military status of parents subject to abuse or neglect allegation, assists families as they seek medical and counseling services through the military installation, and sets forth minimum requirements for information sharing between DoD and state and local authorities.

The Secretary of War is required under Section 1787 of Title 10 of the US Code to coordinate with civilian child welfare to obtain information on allegations of child abuse and neglect involving children in military families. To meet this statutory obligation the Department of War established the Family Advocacy Program, or "FAP", to address prevention of and response to child abuse and neglect involving children in military families.

The military's FAP is formally created by Department of Defense Instruction (DoDI) 6400.01, wherein section 3, the FAP incorporates prevention, education, and training efforts to make all personnel aware of the scope of child abuse and neglect, domestic abuse, and problematic sexual behavior in children and youth, as well as to facilitate collaborative and cooperative efforts. The federal Child Abuse Prevention and Treatment Act, or "CAPTA" designates the FAP as a federal entity subject to the requirement to protect children from abuse and neglect.

CAPTA further requires that a state such as Kansas has in effect, and is enforcing a State law, or has in effect and is operating a statewide program relating to child abuse and neglect that includes "*provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect*", and "*the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse and neglect.*"

To effectuate these state-federal information sharing mandates, DoDI 6400.01 directs the military services to establish memoranda of understanding with state and local child welfare services to collaborate on the oversight of cases involving military families.

Currently in Kansas, the present framework relies on individualized, local MOUs to guarantee communication between Child and Family Services and the military community.

Seventy percent of military families live off a military installation and in our communities and so are likely to fall under the jurisdiction of state and local agencies. The military services have investigative, intervention, and rehabilitative support resources that can assist local child welfare system in addressing allegations and provide follow-up family counseling when they have knowledge of an allegation.

Madame Chair, the Department of War appreciates your recognition of the important relationship between the state and local child protective services and the associated military FAP offices in responding and providing support and services to address child abuse in military families.

This is not a military law enforcement matter. This is a victim advocacy measure to protect our most vulnerable.

In closing, let me say that we are grateful for the tremendous effort that Kansas has historically given in supporting our service members and their families. Thank you to the Committee for the opportunity to testify today and for Representative Proctor for introducing this policy change.

Very Respectfully,

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