

NATIONAL RESOURCE CENTER ON  
**MILITARY**  **CONNECTED**  
**FAMILIES** AND THE **COURTS**



Template Guide to  
**Develop a Memorandum of  
Understanding Between a  
Military Installation and a Court**

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## MEMORANDUM OF UNDERSTANDING TEMPLATE

(INSERT MILITARY INSTALLATION NAME)

And

(INSERT COURT NAME)

And

(INSERT AGENCY, PROVIDER, OR ORGANIZATION, ETC NAME)

### I. Purpose

The Purpose section of the Memorandum of Understanding (MOU) should provide a brief overview of reason the MOU is needed and note any tasks and assignments between the parties.

*Example: The purpose of this Memorandum of Understanding between the (Military Installation) and (State Juvenile Drug Treatment Court) and (Treatment Provider) is to provide a process to allow juvenile offenders, who commit minor offenses involving alcohol, illegal narcotics, or prescription misuse while on the (Military Installation), to participate in the (State Juvenile Drug Treatment Court) to ensure that juveniles who commit these offenses on the base are held accountable and have access to treatment.*

*Example: This Memorandum of Understanding between the (Military Installation) and (State/County Department of Health and Human Services (DHHS)) and (Department of Defense Family Advocacy Program) is to establish written procedures to allow DHHS to gain access on the installation to provide child protective services involving child abuse and neglect cases concerning military families on the base.*

*Example: This Memorandum of Understanding is intended to provide guidance and document an agreement for the general support between the*

*(Military Installation) and (State Court) and (Department of Defense Family Advocacy Program) in handling protective orders in domestic violence cases involving military families.*

## **II. Optional Provisions**

Depending on the type of agreement and history of the parties you may want to consider the following additional provisions for the MOU.

### **History**

This section may provide some factual background information that led to the need for the MOU. Some MOUs may also include this type of information as a Preamble to an MOU.

*Example: The (Military Installation) has seen a rise (provide data) in minor juvenile offenses on the base involving alcohol, illegal narcotics, and prescription misuse. Federal law encourages the relinquishment of jurisdiction to enable states to provide treatment to juveniles who commit minor crimes on military bases.*

### **Scope/Limitations**

This section may be needed to provide a standard acknowledgement or reassurance that the MOU does not alter existing jurisdiction (if jurisdiction is not being transferred). It can also recognize that modification of or the development of procedures and protocols may be necessary in order to implement components of the MOU.

*Example: This agreement does not create additional jurisdiction, limit, or modify existing jurisdiction vested in the parties.*

*Example: Name procedures and protocols that shall be reviewed, modified, or developed as necessary in order to implement this MOU.*

*The parties agree to coordinate such changes with signatories and other affected parties. Also see IV. Procedures and Protocols.*

## **Definitions**

May be needed to ensure that the parties have a common understanding of the proper name and the description of the terms that they will be dealing with subject to an agreement.

*Examples: Juvenile Drug Treatment Court Team, adjudication, child abuse, neglect, mandated reporters, preliminary investigation, Domestic Violence Protective Order, Judge Advocate General (JAG), Child Welfare Services Military Liaison, Family Advocacy Program (FAP), etc.*

## **III. Parties**

This section of the agreement describes the key parties participating in the MOU and should be led by one or two primary organizations or agencies. MOUs will generally be between these organizations or agencies. Think about what you are trying to accomplish with the MOU to determine who needs to be a necessary party to the MOU.

*Examples: Military Installations, State Courts, District Attorney, Office of the U.S. Attorney, Agencies, Providers or Organizations, Family Advocacy Program (FAP), Juvenile Diversion Programs (on base or through the court), Child Welfare Agency - Department of Health and Human Services or Department of Child and Family Services, Juvenile Justice Agency, etc.*

## **IV. Roles and Responsibilities**

This part should be detailed and specific about the roles and responsibilities of each party. This section sets the expectations of each party and what each party agrees to as terms of the MOU.

*Examples: This section could have provisions relating to transfer or retrocession of juvenile jurisdiction, reporting and investigation, initial*



*case screening, intake procedures, communication and coordination, information sharing, records access, base access, etc.*

*Example: The Office of the U.S. Attorney Office (and suggested title of person responsible) will review all juvenile offenses on the (Military Installation) within \_\_\_ number of days to determine if a referral to state authorities to exercise jurisdiction is appropriate. If state jurisdiction is determined to be appropriate, the Office of the U.S. Attorney will refer the juvenile case file to the Juvenile Court District Attorney within \_\_\_ days.*

*Within \_\_\_ days of receipt of the juvenile case file from the Office of the U.S. Attorney, the Juvenile District Attorney will determine: 1) whether based on the allegations the juvenile would be a delinquent subject to juvenile court jurisdiction; 2) whether there is enough evidence to proceed with a delinquency proceeding; and 3) whether it is appropriate to exercise state jurisdiction and to proceed with a diversion, Juvenile Drug Treatment Court, or delinquency proceeding.*

*Example: (Child Welfare Agency) will have physical access as stated forth in the attached agreed Child Welfare Base Access Protocol (Attachment A) to investigate child abuse and neglect cases on the (Military Installation) as required by \_\_\_ state law. To the extent provided by law, the (Child Welfare Agency) shall inform the Family Advocacy Program Liaison (FAP) of all child abuse and neglect investigations of military families on the (Military Installation).*

*Example: The (Prosecutor's Victim's Service Coordinator) will inform the Family Advocacy Program Liaison (FAP) Liaison of all temporary protection orders filed and issued against soldiers or family members on the (Military Installation). The FAP Liaison will in turn refer victims of domestic violence to the FAP Victim Advocate for support and referral services.*

## **V. Procedures and Protocols**

Depending on the MOU it may be necessary to establish specific procedures or protocols to support implementation of the MOU. These can be spelled out in the MOU or could be referenced in the MOU to

allow for documents that may need to be revised or created and include additional representatives that work with the parties to the MOU.

Base access must also be addressed in the agreement as necessary to support the procedures or protocols. For example, state or county social workers, probation officers, and other officials may need to access their clients on base.

*Example: The base PMO will promptly develop and maintain an Access Procedure Memorandum which will set out the procedures to ensure reasonable access to the base for state and county investigators, caseworkers, social workers, attorneys and other officials who are involved in juvenile matters that are referred to the state for disposition. This Access Procedure Memorandum will be distributed by the PMO to the following points of contact: \_\_\_\_.*

*Example: There will be a need to have specific procedures and protocols for a party's representative or designee to have access to the military installation including but not limited to the purpose/need for base access, what identification may be required, what parts of the base they have access to, who they have the authority to speak with while on base, and any follow up that may be expected as a result of the access (notification, report, referral). Another example could be specific procedures or protocols needed for information and/or records sharing necessary to implement the MOU.*

**Access to military records** may also need to be addressed in the agreement.

*Example: Access to military records needed by county officials for investigating, processing, treatment, or prosecution of juvenile offenses will be provided by the appropriate records custodian according to applicable laws and regulations. Request for health records will be made through the Patient Administration Division, Barnwell Military Community Hospital, which will cooperate and arrange for the release of necessary information.*

The Privacy Act of 1974 establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of

information about individuals that is maintained in systems of records by federal agencies. A system of records is a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifier assigned to the individual. The Privacy Act prohibits the disclosure of a record about an individual from a system of records absent the written consent of the individual, unless the disclosure is pursuant to one of twelve statutory exceptions. The Act also provides individuals with a means by which to seek access to and amendment of their records, and sets forth various agency record-keeping requirements. It may be necessary to incorporate references and citations to the Privacy Act in the agreement.

**Transfer of jurisdiction** may be the primary or a secondary purpose of the agreement. The agreement can be used as an instrument for the ceding and retrocession of jurisdiction to the state under 10 U.S.C §2683. This provision contains the specific actions which are needed to accomplish the transfer.

*Example: Pursuant to 10 U.S.C. §2683, notice is hereby given that the United States hereby relinquishes, transfers and retrocedes to the state of East Carolina such authority over the base as may be necessary to permit the state of East Carolina to exercise jurisdiction over juveniles who commit offenses on the base or are found on the base (including any and all offense and misconduct set out in 23 E. Car. Code Annot. §12-24), and to exercise the administration of justice and such treatment as may be appropriate regarding such juveniles.*

When the MOA is used for the purpose of transfer of jurisdiction, it is signed by the Secretary of the military department (i.e., the branch of the armed forces controlling the base, such as the Navy or the Army) or his designee, granting the jurisdiction; it should also be signed by the governor of the state involved, indicating acceptance of jurisdiction.

## **VI. Time Period and Review**

MOUs should set a specific period of time for the agreement and be reviewed periodically for on-going communication and collaboration. Depending on the nature of the collaboration and coordination between



the organizations and agencies, it may also be necessary to review the implementation of the MOU.

*Example: This MOU shall become effective on the date it is signed by the last party to the MOU and it shall be reviewed annually. It shall remain in full force for one year and reviewed on or around the anniversary of its effective date. This agreement may be modified only by the written agreement of the Parties, or their replacements.*

*Effective execution of this agreement can only be achieved through continuing communication and dialogue between the parties. It is the intent of the parties to this MOU that channels of communication will be used to resolve questions, misunderstandings, or complaints that may arise that are not specifically addressed in this MOU.*

## **Signatures**

While MOUs are not binding legal documents, it is important to have a signature line for the names, titles, and organization represented and date signed by the Parties to the MOU.

*Example: We, the undersigned, have read and agree with this MOU.*

\_\_\_\_\_  
(Name) (Title)  
(Military Installation)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Name) (Title)  
(State Court)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Name) (Title)  
(Agency, Provider, Organization)

\_\_\_\_\_  
Date

## **APPENDIX**

Best Practices: [Concurrent Jurisdiction for Juvenile Offenses on Military Installations](https://download.militaryonesource.mil/StatePolicy/pdfs/2022/bestpractices-concurrentjurisdiction.pdf)  
(<https://download.militaryonesource.mil/StatePolicy/pdfs/2022/bestpractices-concurrentjurisdiction.pdf>)

Discussion Points: [Juvenile Misconduct and Concurrent Jurisdiction](https://download.militaryonesource.mil/StatePolicy/pdfs/2022/discussionpoints-concurrentjurisdiction.pdf)  
(<https://download.militaryonesource.mil/StatePolicy/pdfs/2022/discussionpoints-concurrentjurisdiction.pdf>)

[On Base and Beyond: Negotiating the Military/State Agreement](https://www.ncjfcj.org/wp-content/uploads/2019/12/Negotiating-the-Juv-Justice-Agt.pdf)  
<https://www.ncjfcj.org/wp-content/uploads/2019/12/Negotiating-the-Juv-Justice-Agt.pdf>

[NCJFCJ National Resource Center on Military-Connected Families and the Courts: Memorandum of Understanding](https://www.ncjfcj.org/child-welfare-and-juvenile-law/military-connected-families/national-resource-center/memorandum-of-understanding/) (<https://www.ncjfcj.org/child-welfare-and-juvenile-law/military-connected-families/national-resource-center/memorandum-of-understanding/>)