

DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNITED STATES ARMY AVIATION WARFIGHTING CENTER  
FORT RUCKER, ALABAMA 36362-5105

USAAWC Regulation  
No. 608-6

24 January 2007

**Personal Affairs**  
**SUPERVISION OF CHILDREN**

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\*This regulation supersedes USAAVNC Reg 608-6, 21 Feb 06, with Change 1, 10 Mar 06.

1. **REFERENCE.** Army Regulation (AR) 608-18, The Army Family Advocacy Program, 30 May 2006.
2. **PURPOSE.** This policy implements AR 608-18 and imposes requirements for supervision of children.
3. **APPLICABILITY.**
  - a. This regulation applies to—
    - (1) All members of the Active Army, regardless of location of personal residence.
    - (2) All members of the United States Army Reserve on active duty pursuant to orders for more than 29 days, regardless of location of personal residence.
    - (3) All members of the Army National Guard on active duty pursuant to orders under Title 10, United States Code (USC), Armed Forces, for more than 29 days, regardless of location of personal residence.
    - (4) All persons present on Fort Rucker.
  - b. Regarding Soldiers, paragraph 6 of this regulation is punitive. A violation of paragraph 6 is separately punishable as a violation of a lawful general regulation under Article 92, Uniform Code of Military Justice (UCMJ). Penalties for violating paragraph 6 include all applicable statutory and regulatory sanctions, both criminal and administrative.
4. **PENALTIES.** Personnel subject to the UCMJ who fail to comply with paragraph 6 are subject to punishment under the UCMJ, as well as to adverse administrative action and other adverse action authorized by applicable USC provisions, federal regulations, or state law. Paragraph 6 is fully effective at all times, and a violation of any provision of that paragraph is separately punishable as a violation of a lawful general regulation under Article 92, UCMJ, even without prior commander's counseling. Paragraph 6 and other provisions of this regulation may also be a basis for a commissioned, warrant, or noncommissioned officer to issue a lawful order to a Soldier. Penalties for violations of the punitive provisions of this regulation, and orders issued based on these and other provisions of this regulation, include the full range of statutory (including the Alabama Criminal Code with regard to child endangerment and deprivation as applied by the Federal Assimilative Crimes Act) and regulatory sanctions (see paragraph 3).
5. **ENFORCEMENT.**
  - a. Commanders should seek the Staff Judge Advocate's advice concerning alternative actions to enforce compliance with, and punish violations of, this regulation under applicable federal or state laws. Commanders should also notify appropriate law enforcement authorities when apprehension or criminal investigation is warranted.
  - b. Commanders will take appropriate actions against Soldiers who violate this regulation or lawful orders issued based on this regulation. The following are some actions that commanders may take:
    - (1) Counseling or admonition.
    - (2) Directed participation in parenting skills education.
    - (3) Memorandum of reprimand (filed in accordance with AR 600-37, Unfavorable Information, 19 December 1986).
    - (4) Bar to reenlistment.
    - (5) Administrative separation from the service.

- (6) Nonjudicial punishment under Article 15, UCMJ.
- (7) Court-martial.

c. Civilians, as well as those subject to the UCMJ, who commit the offense of child neglect, endangerment, or deprivation on Fort Rucker may be subject to prosecution under Alabama state law. Additionally, the following are some administrative sanctions the installation commander or his designee may impose:

- (1) Expulsion from the installation (civilians only).
- (2) Termination of assignment to government quarters.
- (3) Restriction or termination of certain installation privileges.

## 6. CHILD NEGLECT.

a. Provision. AR 608-18 defines lack of supervision as “the absence or inattention of the parent, guardian, foster parent, or other caregiver that results in injury to the child, in the child being unable to care for himself or herself, or in injury or serious threat of injury to another person because the child’s behavior was not properly monitored.” A Soldier who is a parent, guardian, in loco parentis, or having a duty imposed by marriage, court order, or recognized state directive or otherwise having physical custody, control, or responsibility of a child will not—

(1) With willful, negligent, or reckless disregard for that child’s mental or physical health, safety, or welfare, knowingly leave that child who is under the age of 11 without supervision by a person who is at least 13 years of age (in doing so they commit child abandonment).

(2) Willfully, negligently, or recklessly—

(a) Allow or permit the life, person, or health of that child, a person under the age of 16, to be injured (in doing so they commit child endangerment).

(b) Allow or permit that child, a person under the age of 16, to be placed in a situation where his/her life, person, or health is endangered (in doing so they commit child endangerment).

(c) Deprive or allow to be deprived that child, a person under the age of 16, of the necessary food, clothing, shelter, medical attention, or education when the deprivation harms or is likely to substantially harm the child’s physical, mental, or emotional health (in doing so they commit deprivation of a child).

(d) Allow or permit that child, a person under the age of 16, to live in an environment which causes the child’s physical, mental, or emotional health to be significantly impaired, or to be in danger of being significantly impaired (in doing so they commit deprivation of a child).

b. Definitions. The following definitions apply to the above provision:

(1) Willfully - intentionally or on purpose.

(2) Negligently - an act or failure to act by a person who is under a duty to use due care, which demonstrates a lack of care for the child which a reasonable, prudent person would have used under the same or similar circumstance.

(3) Recklessly - a degree of carelessness greater than simple negligence. Recklessness is a negligent act or failure to act, combined with a gross, deliberate, or wanton disregard for the foreseeable results to the person, life, or health of the child.

(4) Substantial harm to the child's physical, mental, or emotional health - as used in this order, this includes, but is not limited to, starvation, failure to thrive, or malnutrition.

(5) Willful, negligent, or reckless disregard for the mental or physical health, safety, or welfare of a child (applicable to the child abandonment provision above) - in determining whether the conduct was done with willful, negligent, or reckless disregard for the mental or physical health, safety, or welfare of a child, the commander should consider the following factors:

(a) The age of the child.

(b) The number of children left at the location.

(c) Special needs of the child, including whether the child is physically or mentally handicapped or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications.

(d) The duration of time in which the child was left without supervision.

(e) The condition and location of the place where the child was left without supervision.

(f) The time of day or night when the child was left without supervision.

(g) The weather conditions, including whether the child was left in a location with adequate protection from the natural elements such as adequate heat or light.

(h) The location of the parent, guardian, or other persons having a duty imposed by marriage, court order, or recognized state directive to care for the child, or other person having physical custody or control of the child at the time the child was left without supervision; the physical distance the child was from the parent, guardian, or other person having a duty imposed by marriage, court order, or recognized state directive to care for the child, or other persons having physical custody or control of the child at the time the child was without supervision.

(i) Whether the child's movement was restricted or the child was otherwise locked within a room or other structure.

(j) Whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call.

(k) Whether there was food and other provisions left for the child.

(l) Whether any of the conduct is attributable to economic hardship or illness and the parent, guardian, or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the child.

(m) Whether the child was left under the supervision of another person.

(n) The age and physical and mental capabilities of the person or persons who provided supervision for the child.

(o) Any other factors that would endanger the health or safety of that particular child.

c. Childcare.

(1) Parents are responsible for the welfare and safety of children in the military community.

(2) Each child is unique. Personality, environment, developmental progress, and maturity level are factors used to determine when children are ready to accomplish activities with little or no supervision. The following are minimum community standards; under no circumstances will these guidelines be reduced. Parents are still required to assess their children and, if necessary, raise the age limits.

(3) The following “age matrix” is provided as guidance for the parents/sponsor. It will not be used to take administrative or UCMJ action. Child neglect will be determined using the definition and factors listed in paragraphs 6a and 6b.

Age of Child	Left Without Sitter in Quarters	Left Alone Overnight	Play Outside Unattended	Child Sit Siblings/Others
NEWBORN THROUGH Age 5	NO	NO	NO	NO
Ages 6-10 (1st-5th Grades)	NO	NO	YES: with immediate access (visual sight or hearing distance) to adult supervision	NO
Ages 11-14 (6th-8th Grades)	YES: An adult is aware of child’s location and activities during out of school hours. An emergency contact is available at all times. Parents have conducted an assessment of the child’s ability to be in monitored self care.	NO	YES: with access to emergency supervision and sponsor knows location of child	YES: if age 13 and completed the babysitter course
Ages 15-16 (9th-10th Grades)	YES: with ready access to adult supervision	NO	YES: with access to adult supervision	YES: completed the babysitter course
Ages 17-18 (11th-12th Grades)	YES	YES: Sponsor in local area and access to adult supervision	YES	YES: completed the babysitter course

Parents needing assistance in identifying childcare and supervision options may contact the Child and Youth Services Central Registration Office.

(4) It is never appropriate to leave children under the age of 11 unattended in a vehicle.

(a) Residents who observe children unattended, unsupervised, or potentially at risk will contact the installation military police at 255-2222 (24 hours).

(b) Actions taken when a child is found unattended, unsupervised, or potentially at risk:

1. The sponsor, parent, or designated care provider will be contacted to immediately provide supervision. If this person cannot be located, the child will be taken into protective custody by the appropriate enforcement agency while attempting to locate the sponsor.

2. This regulation is punitive. The sponsor or designated care provider may be investigated under the UCMJ and applicable state and federal laws by the installation police, Criminal Investigation Division, and Family Advocacy Program (FAP) Treatment Services for suspected violation of this regulation.

3. Sponsors who leave children unattended in violation of this regulation may be determined to have engaged in misconduct and may face administrative actions to include referral to FAP Treatment, written reprimand with mandatory FAP referral, termination from government quarters, or possible criminal prosecution. The sponsor's chain of command will also be notified for appropriate action.

(c) Unauthorized childcare is prohibited in government-owned or -leased housing at Fort Rucker. AR 608-10, Child Development Services, 15 July 1997, governs Army childcare requirements. Certification as a Family Child Care (FCC) provider is not required for an individual who provides childcare in installation family housing when such care is provided in another person's quarters to children who reside in those quarters and no additional children are present in those quarters except the children of the individual providing care.

(d) Childcare providers who are not required to be certified as FCC providers must be at least 13 years of age. It is strongly encouraged that all non-FCC childcare providers successfully complete the babysitter training course offered by the Red Cross through the Child Development Services Office. It is the responsibility of the parent, guardian, or person having a duty imposed by marriage, court order, in loco parentis, or recognized state directive to select a childcare provider who is at least 13 years of age and has sufficient maturity, training, and capability to provide appropriate childcare.

d. Paragraph 6 is punitive, and commanders are responsible for the enforcement of these provisions.

The proponent agency of this regulation is the Directorate of Morale, Welfare, and Recreation. Users are invited to send comments and suggested improvements to the CG, USAAWC, ATTN: IMSE-RCK-MWA, Fort Rucker, AL 36362-5105.
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