

May 22, 2024

Honorable Lloyd J. Austin III  
Secretary of Defense  
1200 Defense, Pentagon  
Washington, DC 20301

Honorable Christine Wormuth  
Secretary of the U.S. Army  
1200 Army, Pentagon  
Washington, DC 20301

Honorable Frank Kendall  
Secretary of the U.S. Air Force  
1200 Air Force, Pentagon  
Washington, DC 20301

Honorable Carlos Del Toro  
Secretary of the U.S. Navy  
1200 Navy, Pentagon  
Washington, DC 20301

Dear Secretaries Austin, Wormuth, Kendall, and Del Toro:

I am writing today regarding troubling reports of child abuse and improper responses to it at a Department of Defense (DoD) Child Development Center (CDC). This month, a report from *Military.com* interviewed “nearly [a] dozen military families” whose children were abused in CDCs but found “getting even basic information from the military’s day care system about what happened to their children requires jumping through enormous hoops over the course of months and years.”<sup>1</sup> Those families also reported that “getting any accountability “seems impossible.”<sup>2</sup> DoD’s child care program generally is recognized for its high quality and importance to military preparedness, and we continue to support funding to ensure military families receive quality child care;<sup>3</sup> however, incidents like this even at a few bases are highly concerning.

The allegations are incredibly troubling. For example, at Joint Base Pearl Harbor-Hickam, Hawaii, Bella, a 15-month-old girl, was abused at the Fort Island CDC in August 2022.<sup>4</sup> According to her parents, their “usually bubbly” child returned home from her first day of daycare with red and puffy cheeks, and “spen[t] the next two days either crying hysterically and noticeably quiet and withdrawn.”<sup>5</sup> Bella unusually wet her bed at night and lost her appetite. Bella’s mother initially

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<sup>1</sup> Military.com, “Unsupervised: Military Child Care Centers Slow to Report Abuse with Little Oversight,” Steve Beynon, Rachel Nostrant, and Konstantin Toropin, April 10, 2024, <https://www.military.com/daily-news/2024/04/10/unsupervised-military-child-care-centers-slow-report-abuse-little-oversight.html>.

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Department of Defense, “Defense Department Expands Military Child Care Program to Increase Availability of Affordable, Quality Child Care for Military Families,” September 15, 2022, <https://www.defense.gov/News/Releases/Release/Article/3160232/defense-department-expands-military-child-care-program-to-increase-availability/>.

<sup>4</sup> Military.com, “Unsupervised: Military Child Care Centers Slow to Report Abuse with Little Oversight,” Steve Beynon, Rachel Nostrant, and Konstantin Toropin, April 10, 2024, <https://www.military.com/daily-news/2024/04/10/unsupervised-military-child-care-centers-slow-report-abuse-little-oversight.html>.

<sup>5</sup> *Id.*

attributed this concerning behavior to separation anxiety since it was the child’s first time away from her parents because she and her husband—a military intelligence officer in the Army—thought the CDC would have surely notified them if any incident occurred at the CDC.<sup>6</sup> But after noticing a bruise on her daughter’s thigh, her mother reported the injury to military police on base, who eventually transferred the case to the base’s criminal investigation division in conjunction with the Honolulu Police Department.<sup>7</sup> Records show that the CDC staff failed to immediately file an official police or command report on the incident.<sup>8</sup> According to the Navy, “CDC management [at Ford Island] began investigation, and the employee was placed on temporarily leave per policy. Family was notified the same day.”<sup>9</sup> This discrepancy raises questions about the Navy’s processes for notifying parents.<sup>10</sup> The military and law enforcement leadership’s confusion about how to handle the investigation caused delay and very few, if any, updates were provided to the parents.<sup>11</sup> Bella’s mother had to fight a long and difficult battle to gain information on what occurred at the CDC.<sup>12</sup>

Ultimately, closed circuit television (CCTV) footage from the CDC revealed, “a day care worker had shoved a photo of Bella's parents into her face so hard that her little head had turned away a full 90 degrees as a second worker held her.”<sup>13</sup> According to her parents, she had been abused by at least two workers, who also pinched, shoved, smothered and pushed Bella up against a wall.<sup>14</sup> Bella’s parents were told that they would have to pay about \$15,000 to get a copy of the video footage of the child abuse or wait months for final approval of their Freedom of Information Act request.<sup>15</sup> While the Navy waived those costs,<sup>16</sup> the initial FOIA response created the impression that the Navy was trying to keep information from the family that should have been proactively released.

Not only is this child abuse absolutely unacceptable, but the CDC’s failure to identify such misconduct, notify the parents, and swiftly remove the abusers from caring for children is deeply troubling.

Overall *Military.com*’s investigation found “service branch rules generally prioritize protecting the institution, keeps parents in the dark while officials formulate a public relations response, and have

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Department of Defense Information Paper, U.S. Navy, “RFIs on Ford Island CDC Military.com Article, May 7, 2024, on file with Senator Elizabeth Warren’s office.

<sup>10</sup> The U.S. Navy reported three internal and external investigations that occurred related to the incident of abuse: (1) April 25, 2023 [Investigator General] Inquiry, (2) August 9, 2023 Litigation Report for Commander [Joint Base Pearl Harbor Hickam], and (3) October 11, 2023 Command Investigation; all of which commenced at least eight months after the incident of abuse in August 2022. *Id.*

<sup>11</sup> Military.com, “Unsupervised: Military Child Care Centers Slow to Report Abuse with Little Oversight,” Steve Beynon, Rachel Nostrant, and Konstantin Toropin, April 10, 2024, <https://www.military.com/daily-news/2024/04/10/unsupervised-military-child-care-centers-slow-report-abuse-little-oversight.html>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Department of Defense Information Paper, U.S. Navy, “RFIs on Ford Island CDC Military.com Article, May 7, 2024, on file with Senator Elizabeth Warren’s office.

minimal safeguards to guarantee accountability.”<sup>17</sup> CDC coordination with local law enforcement or social services also seemed to be unclear. For example, the Army’s criminal investigation division was ordered to start an investigation for the child abuse case at the CDC in Hawaii alongside with the Honolulu police.<sup>18</sup> All the while very little, if any, information or updates were provided to the parents.<sup>19</sup> Similar issues have reportedly occurred at Naval Air Weapons Station China Lake in California, where it took months for the leadership to realize that CDC staff were failing to review videos at the CDC, “meaning potential incidents could have been occurring and supervisors wouldn’t have noticed.”<sup>20</sup> *Military.com*’s investigation also found troubling allegations of CDCs failing to report children sexually abusing each other. At a daycare at the Army War College in Pennsylvania, a 4-year-old child “was touched inappropriately, likely by another child...numerous times.”

Military families entrust you with the proper and safe care of their children and demand honesty in how their children are being cared for.

Transparency and accountability requires the DoD to publish clear and consistent guidelines for the CDCs that outline how the staff will handle any incident of injury or abuse, make the proper and immediate report to proper authorities and the parents, and ensure appropriate action is taken relating to the child care worker involved in the incident. Such policies should be made available to lawmakers, the public, and especially parents.

But I am concerned that the DoD—and Army specifically—is concealing important policies that advise on how to handle incidents at CDCs. For example, “sexual behavior between children is not one of the incidents clearly prescribed in Army policy that day cares have to document and report to parents, as is mandated by law in most states.”<sup>21</sup> While Army Secretary Christine Wormuth “directed the service to bolster its regulations on day cares reporting incidents of sexual behavior to parents” in 2021, the Army stated in April 2024 that they have finalized such a policy, but marked it as Controlled Unclassified Information (CUI), refused to publicly release it, and provided no information on when it will be released.<sup>22</sup> There is no clear rationale for why this policy would be marked as CUI, and I am concerned that concealing a policy on day care reporting standards erodes the public’s trust in the DoD child care program and diminishes transparency and accountability.

The Navy has also failed to keep parents informed when CDC workers and leaders are held accountable. For example, the parents of children involved in child abuse cases at Ford Island and the China Lake were “kept in the dark while officials formulated public relations responses” and

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<sup>17</sup> *Military.com*, “Unsupervised: Military Child Care Centers Slow to Report Abuse with Little Oversight,” Steve Beynon, Rachel Nostrant, and Konstantin Toropin, April 10, 2024, <https://www.military.com/daily-news/2024/04/10/unsupervised-military-child-care-centers-slow-report-abuse-little-oversight.html>.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Military.com*, “Unsupervised: Military Child Care Centers Slow to Report Abuse with Little Oversight,” Steve Beynon, Rachel Nostrant, and Konstantin Toropin, April 10, 2024, <https://www.military.com/daily-news/2024/04/10/unsupervised-military-child-care-centers-slow-report-abuse-little-oversight.html>.

<sup>22</sup> *Id.*

then eventually told that CDC staff involved in the incident had been suspended.<sup>23</sup> Navy Secretary Carlos Del Toro “boasted to Congress that ‘the director of that child-care center was actually fired ... there were actually seven other employees that were fired.’”<sup>24</sup> However, *Military.com*’s investigation revealed that the director was not, fired, but conveniently retired one month prior to the discovery of the abuse.<sup>25</sup> Also, the Navy failed to inform the parents that “at least two [CDC] employees were facing criminal child-abuse allegations.”<sup>26</sup> These inaccuracies, along with the Navy’s withholding of information from parents is extremely troubling.

Additionally, I know that staffing shortages and low pay may make it difficult for CDCs to recruit and retain well-trained and qualified staff may exacerbate the problem, and we urge you to address the inadequate and inconsistent policies in place to increase accountability. According to the House Armed Services Committee’s April 2024 Quality of Life Panel Report, “CDCs continue to have high staff vacancies.”<sup>27</sup> The CDC direct care staff vacancies are alarming: with the Army reporting 2,081 vacancies, 23 percent of total positions; the Air Force and Space Force reporting 1,312 vacancies, 20 percent of total positions; the Navy reporting 497 vacancies, 11 percent of total positions; and the Marine Corps reporting 462 vacancies, 21 percent of total positions.<sup>28</sup>

I understand that these incidents of abuse at military day care centers may be as military officials have noted exceptionally rare, but I hope you can agree we cannot tolerate any abuse of children in military CDCs.<sup>29</sup>

I write to seek information on how the DoD plans to address these problems and ensure that each military service has the proper policies in place to prevent cases of abuse and misconduct as well as the adequate procedures in place to ensure prompt reporting, thorough investigation, and appropriate action. I ask you to answer the following questions no later than June 4, 2024:

1. Does the lack of staffing within DoD CDCs contribute to any of these incidents, particularly with less supervisory staff to review CCTV and/or observe CDC staff to ensure they are compliant with all CDC rules and performing to standard?
2. Does the lack of staffing increase the workload and potential stress of the current CDC staff which may negatively impact their work environment and/or quality of work?

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<sup>23</sup> Military.com, “Report on Child Abuse at Military Day Care Sparks Tough Questions for Navy, Army Leaders on Capitol Hill, Konstantin Toropin, April 16, 2024, <https://www.military.com/daily-news/2024/04/16/army-navy-leaders-grilled-congress-after-report-child-abuse-military-day-care-centers.html>.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> House Armed Services Committee, Quality of Life Panel Report, p. 16, April 11, 2024, <https://drive.google.com/file/d/14TNbBx-Bzusvs-6dYya2d2onrNRfc8ye/view>.

<sup>28</sup> *Id.*, p. 16.

<sup>29</sup> Military.com, “Unsupervised: Military Child Care Centers Slow to Report Abuse with Little Oversight,” Steve Beynon, Rachel Nostrant, and Konstantin Toropin, April 10, 2024, <https://www.military.com/daily-news/2024/04/10/unsupervised-military-child-care-centers-slow-report-abuse-little-oversight.html>.

3. What were the current policies for reporting an incident of harm or injury to a child at a DoD CDC in August 2022 and how were they implemented in the two child abuse cases referenced above [Ford Island and China Lake]?
4. Under the current policy for when and how to notify a parent of an incident involving their child, what information is provided to the parents?
5. When were the parents notified in the two child abuse cases referenced above [Ford Island and China Lake]?
6. How and when were the parents in the Ford Island case—the Kuykendalls—notified that the FOIA request fees had been waived?
7. Are there policies that restrict notifying parents as to whether disciplinary action has been taken against a child care provider related to an incident involving the parents' child?
8. Is there any appeals process or method for a parent to request additional action against a child care provider (i.e., parent can request a child care provider be removed from the CDC based on the severity of the incident or the number of offenses involving their child or other children)?
9. Are there any audits or inspections that occur at CDCs? If so, how often and who controls those audits or inspections?
10. How and when are the reports on investigations of the CDCs maintained and released to the public?
11. According to *Military.com*, “the Army doesn’t have any clear public policy on documenting or reporting [on incidents involving sexual contact between children], whereas civilian day cares are often required by state law to [inform parents immediately].”<sup>30</sup> Does DoD require mandatory reporting of sexual behavior between children to the parents of the child as mandated by law in most states?
12. When will the Army’s policy and regulation relating to the mandatory reporting of sexual behavior to parents be released to the public?
13. Why is this Army policy on day care reporting standards marked as Controlled Unclassified Information (CUI)?

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<sup>30</sup> Military.com, “Report on Child Abuse at Military Day Care Sparks Tough Questions for Navy, Army Leaders on Capitol Hill, Konstantin Toropin, April 16, 2024, <https://www.military.com/daily-news/2024/04/16/army-navy-leaders-grilled-congress-after-report-child-abuse-military-day-care-centers.html>.

14. What actions is DoD taking to implement consistency across the services to ensure parents are informed on what happens to their children and that the CDC staff and military leadership maintain transparency with parents throughout any subsequent investigations or adverse actions relating to incidents of abuse or concerning conduct?
15. Secretary Del Toro testified before Congress that “the director of that [China Lake] child-care center was actually fired,”<sup>31</sup> while *Military.com* reported that it appears that the director had resigned prior to the discovery of the incident.<sup>32</sup> Is there an explanation for this discrepancy?

Sincerely,



Elizabeth Warren  
United States Senator

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<sup>31</sup> U.S. Senate Appropriations Committee, “A Review of the President’s Fiscal Year 2025 Budget Request for the Navy and Marine Corps, April 16, 2024, <https://www.appropriations.senate.gov/hearings/a-review-of-the-presidents-fiscal-year-2025-budget-request-for-the-navy-and-marine-corps>.

<sup>32</sup> Military.com, “Report on Child Abuse at Military Day Care Sparks Tough Questions for Navy, Army Leaders on Capitol Hill, Konstantin Toropin, April 16, 2024, <https://www.military.com/daily-news/2024/04/16/army-navy-leaders-grilled-congress-after-report-child-abuse-military-day-care-centers.html>.