

UNITED STATES DEPARTMENT OF DEFENSE



Update on Service Member and Family Issues

www.USA4MilitaryFamilies.dod.mil

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DoD-State Liaison Function



Goal: Provide DoD an opportunity to participate in state-level discussions on issues affecting service members and their families.

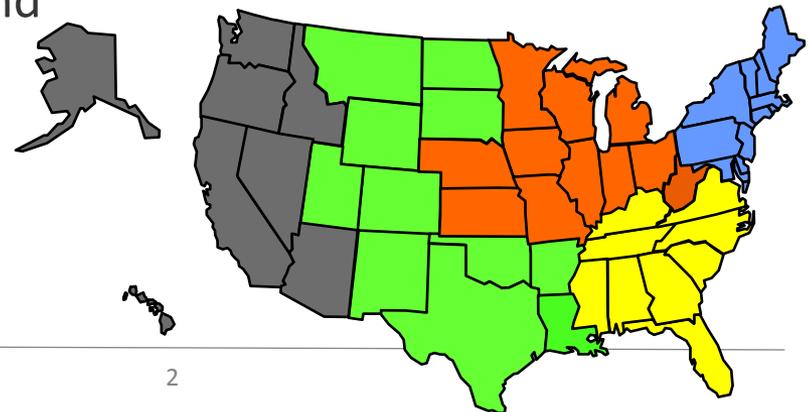
Focus is on 10 'Key (state-level) Issues'*reviewed annually*

What we do: Educate state policymakers/leaders on the 10 'Key Issues'

- Ten Liaisons 'ERA' with state leaders: *Educate* about the issues, build *Relationships*, and *Assist* when asked
- Providing 'best practice' language and arranging testimony is permitted

What we don't do: Lobby

- No 'grass roots' campaigning for specific pieces of legislation



Why am I here?



- State legislature support is imperative to improve the quality of life of Service members and their families as they relocate from one state to another
- New Mexico is actively supporting the DoD 10 Key Issues
- Update on the status of these initiatives in New Mexico
 - Previously Passed Legislation
 - Issue Again Needing Support in 2013
 - Prospective Items for Sponsorship in 2013
 - Prospective Items to Consider for Future Sessions

Thank-you for what you have done for our Service members
and their families



Key Issues Impacting Service Members and Their Families(2012)



- Facilitate military spouse transition through licensure portability and eligibility for unemployment compensation
- Facilitate Service members receiving licensure and academic credit for military education, training and experience
- Minimize school disruption for military children
- Increase access to quality, affordable childcare for military families
- Ensure military separations do not determine child custody
- Improve absentee voting for military members and their families
- Provide authority for establishing Veteran Treatment Courts (VTCs)
- Protect consumers and enforce the predatory lending regulation
- Comport state laws with DoD rules on disposition
- Coordinate state-wide public-private support



Previously Passed Legislation in New Mexico



- Minimize School Disruption for Military Children during Transition and Deployment
- Comport State Law with DoD Rules on Disposition of Human Remains
- Improve Absentee Voting for Military Members and Their Families



Minimize School Disruption for Military Children during Transition and Deployment



Issue: Frequent moves = many schools with non-standard policies = Ed delays

Goal: States participate in an interstate compact providing a uniform policy to resolve challenges military children face moving between school systems

Background:

- 2006: DoD & Council of State Governments collaboration
 - Compact provides procedural policies for enrollment, eligibility, placement, & graduation
 - 2008 – 2011: Legislative process to adopt compact
- ...once adopted, it is a binding contract

Status:

- Continue legislative process
- Interstate Commission and State Councils oversee compliance
- Educate school districts and military parents on what's covered

43 member states; covers 96% of our AD students





Disposition of Human Remains

Issue: Many states require disposition be determined through state-specific documentation or by the next of kin

Background: Section 564 of Public Law 109-163, effective January 2006, requires active duty service members to designate a person authorized to direct disposition (PADD) of human remains...occurs on the DD Form 93 (Record of Emergency Data)

Goal: Have state statute recognize the PADD selected by the service member in accordance with Federal law

Status:

- States very supportive of this issue
- Some states have had concerns about limited choices allowed – 2012 NDAA rectifies issue

38 States now recognize the DD Form 93; covers 69% of our members



Improve Absentee Voting for Military Members and their Families



Issue: Service members need assurance votes can be successfully cast and counted

Goal: States enact flexible processes for absentee voters recommended by the Federal Voting Assistance Program (www.fvap.gov)

Status: There are seven desired enhancements (*UMOVA is the 'gold' standard*)

- 45-day ballot transit time
- Email and on-line transmission of voting materials
- Expanded use of Federal Write-in Absentee Ballot
- Enfranchise citizens never residing in the U.S.
- Emergency auth. for State Chief Election Official
- Removal of notarization/witnessing requirements
- Late registration procedures
- Coordinated effort: work very closely with FVAP & the Uniform Law Commission
- FVAP prepares state by state analysis – identifying gaps and 'best practice' legislation



Issue Again Needing Support in 2013



- Ensure Deployment Separation Does Not Determine Child Custody Decisions



Child Custody/Visitation Impact on Service Members



Issue: Extended separations due to military service necessarily alter short-term custody/visitation arrangements which can have long-term impacts

Goal: State legislatures appropriately balance the interests of SMs who are absent due to military service with the best interests of the child by:

1. Recognizing that past, current or potential deployment of SMs should not be the sole factor in a permanent custody determination
2. Recognizing that a temporary change in custody due to activation/deployment automatically reverts to prior state unless not in best interest of child
3. Addressing delegation of visitation rights for absent SMs
4. Using expedited court dockets and electronic communications systems to appropriately accommodate military demands on SMs

Status:

- 25 states have fulfilled criteria
- 18 states have fulfilled part of the criteria
- 8 states have not addressed the issue



Prospective Items for Sponsorship in 2013



- Facilitate Service Members Receiving Licensure and Academic Credit for Military Education, Training and Experience
- Facilitate Military Spouse Transition through Licensure Portability
- Provide Authority for Establishing Veteran Treatment Courts (VTCs)



Remove Licensure Impediments for Separating Service Members



Issue: Service members experience delays and lost opportunities qualifying for licenses and academic credit although they have applicable training and experience

Goal: States recognize military training and experience to provide separating Service members with credit towards education and licenses

Strategy:

- Reduce employment delay through:
 1. Requiring boards account for military training/experience for occupational licenses
 2. Allowing Service members to maintain active licenses on active duty and to obtain endorsement in new state upon separation
 3. Schools allow for academic credit for military training/ experience
 - Use American Council on Education recommendations
- Enhance the ability of credentialing and academic organizations to evaluate military training and experience

Part of Presidential Task Force on Veterans Employment



1. Credit Towards Licensure



Legislation supports separating Service members fulfilling portions of the licensing requirements based on their military training and experience:

- For states with statute that covers a series of boards, **Colorado HB 1100** (2011) requires :

“The director and each of the examining and licensing boards shall, upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training, or service completed ...”

- For states with more independent board structure, **Washington HB 1418** (2011) modifies 21 commercial occupations, and **SB 5307** (2011) modifies 14 healthcare-related occupations. Each chapter features a new section:

“An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the secretary determines that the military training or experience is not substantially equivalent to the standards of the state.”



2. Maintaining and Endorsing Licenses



Legislation supports separating Service members transferring a current license in good standing from another state through

- Endorsement or temporary licensing (**Tennessee HB 968 – 2011**):
“... if, in the opinion of the board, the requirements for certification or licensure of such other state are substantially equivalent to that required in this state; or ... a temporary permit for a limited period of time to allow the person to perform professional services while completing any specific requirements that may be required in this state...”
- License extended while on active duty though meeting certain conditions (**Kentucky HB 301 – 2011**):
“...shall be continued as long as the licensee or certificate holder is a member of the Armed Forces of the United States on active duty and for a period of at least six (6) months after discharge from active duty.”



3. Credit Towards Academic Degrees



Legislation supports separating Service members obtaining academic credit for their military education, training and experience:

- **Louisiana HB 500** (2011) directs state academic institutions to write policies to award educational credits:

“...to award educational credits to a student enrolled in the institution, who is also a veteran, for courses that are part of the student's military training or service and that meet the standards of the American Council on Education or equivalent standards for awarding academic credit if the award of educational credit is based upon the institution's admission standards and its role, scope, and mission.”



Assist Credentialing Agencies in Evaluating Military Training/Experience



Issue: Most credentialing agencies are unaccustomed to assessing military training and experience

- Lack access to information that would allow them to understand the scope of military training courses

Goal: Facilitate the evaluation of military training and experience.

- Standardize the information contained on military transcripts
- Make Programs of Instruction available to credentialing/academic bodies

Actions:

- Working with credentialing agencies to evaluate current transcripts & identify key information needed to assess comparability of military training and experience
- Determining level of effort required to get programs approved or accredited
- Determining best way to make POIs available to credentialing agencies.
 - Could include placing all in a centralized location.



Reduce Licensure Impediments for Military Spouses



Issue: Frequent moves & difficult licensing = stunted careers

Goal: States offer alternative certification options and streamlined procedures to support the unique needs of working military spouses

Strategy:

- Focused on impacting majority of occupations favored by military spouses
- Reduce employment delay through:
 1. License by endorsement
 - Provide alternatives to showing current experience for competency
 2. Provide temporary licenses with minimal documentation
 - Support spouses with valid licenses who cannot immediately qualify for endorsement
 3. Allow for streamlined approvals
 - Directors of oversight agencies to approve within criteria
 - Boards approve applications and validate referral information later

Presidential Study Directive-9; FLOTUS Released Occupational Licensing Report



1. Modifying license by endorsement requirements



Legislation accommodates limitations in meeting traditional measures of proficiency due to gaps in employment. CO HB 1175 (2010) allows applicants the option of showing minimum recent employment in the occupation, *or fulfilling* proficiency requirements in the occupation as determined by each individual board (example is for dental hygienists) and for the director overseeing these boards:

- *The board shall issue a license to an applicant duly licensed as a dental hygienist in another state (B) Evidence that the applicant has demonstrated competency as a dental hygienist as determined by the board.*
- *....an applicant for certification, registration, or licensure by endorsement may demonstrate competency in a specific occupation or profession as determined by the director in lieu of a requirement that the applicant has worked or practiced in that occupation or profession for a period of time prior to the application for endorsement.*



2. Providing temporary licenses



Tennessee HB 968 (2011) mandates expedited endorsement for applicants who hold a valid license from another state, and provides a temporary license as an option in the event the applicant does not meet all Tennessee's requirements:

- *....each health related board shall establish a procedure to expedite the issuance of a license, certification or permit toinclude:*
 - *(A) Issuing the person a license, certificate or permit, if, in the opinion of the board, the requirements for certification or licensure of such other state are substantially equivalent to that required in this state; or*
 - *(B) Developing a method to authorize the person to perform professional services regulated by the board in this state by issuing the person a temporary permit for a limited period of time to allow the person to perform professional services while completing any specific requirements that may be required in this state that were not required in the state in which the person was licensed or certified.*



3. Allow for Streamlined Approval



Colorado practice is to allow the head of DORA to make endorsement decisions rather than meeting the separate boards.

Montana HB 94 (2011) provides the basis for boards to provide expedited endorsement or temporary licenses for applicants, based on their affirmation that their applications are accurate and that they have requested the necessary validating documentation:

- *...The license may be issued until the board receives documentation if the applicant affirms or states in the application that the applicant has requested verification from the state or states in which the person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely affirmed or stated that the applicant has requested verification from the other state or states, the board may summarily suspend the license pending further action to discipline or revoke the license (Similar language for permits (temporary licenses))*



National Visibility



- Joint DoD and U.S. Treasury Report – Supporting our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines
- First Lady and Dr. Biden personally involved in issue
 - Release of the report at Pentagon event – 2/14/2012
 - Letters to Governors and state legislative leadership
 - Single issue in FLOTUS address to Governors at NGA winter meeting
 - Calls to legislators to urge support
- Congressional activity – S. 697 and HR. 3046: Military Spouse Job Continuity Act of 2011
 - Federal tax credit based on the cost of licensing fees (maximum of \$500)



Veterans Treatment Courts



Issue: 1 in 5 veterans suffers from substance abuse and behavioral health problems, which can result in homelessness, family disintegration, suicide and criminal behavior.

Goal: States authorize VTCs to provide opportunities for rehabilitation (instead of incarceration) for veterans and Service members

Strategy: States pass enabling legislation focused on proven principles from successful VTCs

- Protect due-process rights:
 - Selected by court team
 - Constitutional rights remain in tact and participation is voluntary
 - Have all qualifying charges reduced or dismissed
- Maximize participation while balancing risk to families and communities
 - Open to veterans and Service members, and without requirement for combat experience
 - Criteria prudently consider service discharge and prohibited offenses to optimize treatment opportunity for veterans while ensuring safety for families and communities
 - Allow for cross jurisdictional authority
- Have jurisdictional flexibility and focus on treatment
 - Coordinate with US and state VA, VSOs, and other service providers to assist with treatment, housing, job training and placement and other benefits
 - Include mentoring sessions with other veterans

Part of Presidential Study Directive-9



Prospective Items to Consider for Future Sessions



- Promote Consumer Protections and Enforcement of the Predatory Lending Regulation
- Increase Access to Quality, Affordable Childcare for Military Families



Predatory Lending



Issue: Some lending practices create cycle of debt for unsuspecting Service members and families

Goal:

- ✓ DoD Regulation (32 CFR Part 232) places 36% APR limit on payday, vehicle title and refund anticipation loans.
- States enforce federal law and oversee consumer protection of Service members and families

Status:

- Working with states to make modifications to their financial code to give regulators enforcement authority where needed
- Working to document unscrupulous business practices through Military Sentinel

34 States (plus DC) can fully enforce the reg; covers 73% of our members





Increase Quality, Affordable Childcare

Issue: Installation-based resources cannot keep up with demand

Goal: Work with state governments to align state childcare rating systems with DoD Childcare Effectiveness Rating and Improvement System (ERIS)

1. Include ERIS standards in state rating systems (focus on health & safety standards)
2. Will allow DoD to subsidize care at 'quality' childcare facilities
3. Currently working in 13 pilot states: AK, CA, CO, DE, FL, IN, KS, KY, NC, TX, VA, VT and WA
4. Largely an agency requirement; however, may require enabling legislation:
 - Changes to nature/frequency of state evaluation processes
 - Requiring background investigations
 - Providing or requiring additional training
 - Establishing task groups to review rating systems
 - Providing state mandate for pilot efforts

Status: 2012 legislation passed in KS and VA enabling implementation



Requesting your Sponsorship of the Following Issues in 2013



- Ensure Deployment Separation Does Not Determine Child Custody Decisions
- Facilitate Service Members Receiving Licensure and Academic Credit for Military Education, Training and Experience
- Facilitate Military Spouse Transition through Licensure Portability
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**Our goal is to partner with states to help
our members and their families!**