



DEPARTMENT OF THE NAVY
U.S. NAVAL STATION ROTA
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COMNAVACTSPAININST 1754.3D
N00J

9 Apr 18

COMNAVACTSPAIN INSTRUCTION 1754.3D

From: Commander, U.S. Naval Activities Spain

Subj: SUPERVISION OF MINOR DEPENDENTS AND GUESTS

Ref: (a) OPNAVINST 3120.32D
(b) U.S. Navy Regulations, 1990, 0702
(c) COMNAVACTSPAININST 5355.2C
(d) DoDDS Homeschooling Policy Memo of 6 Nov 02
(e) OPNAVINST 1740.4D

1. Purpose. To promulgate procedures and expectations for the supervision of minor dependents and guests of personnel assigned to U.S. Naval Activities (COMNAVACTS) Spain.

2. Cancellation. COMNAVACTSPAININST 1754.3C.

3. Definitions

a. A child or minor is defined as an unmarried person 17 years of age or under or incapable of self-support because of a mental or physical incapacity, whether a natural child, foster, stepchild or ward (excludes active duty members and spouses). Some provisions of this instruction also have applicability to 18-year old dependents that have not graduated from high school. A minor guest is a child visitor who is residing on a temporary basis with a member of the force, Department of Defense civilian, or dependent thereof.

b. Child neglect is inattention to a child's minimal needs for safety, food, shelter, clothing, medical care, dental care, education or well-being, regardless of whether intentional or negligent.

c. Supervision is the monitoring of a minor's whereabouts and activities per his/her maturity level and with regard to a child's mental and physical capabilities to ensure his/her safety and well-being.

4. Scope

a. This instruction is applicable to all U.S. personnel, military or civilian, assigned to COMNAVACTS and dependents and guests thereof. This instruction is not intended to and does not create any rights, entitlements, or confer defenses in favor of any individual. It places no

limits on the lawful prerogatives of COMNAVACTS or its officials. Authority to implement this policy derives from references (a) and (b).

b. Moral and legal obligations require appropriate measures to safeguard the welfare of children by ensuring that they are not left unsupervised in a situation that exceeds their maturity level. Parents and guardians have primary responsibility for appropriate and adequate supervision of their minor family members and guests at all times, whether on or off base, to ensure that they are safe and that they pose no danger to themselves, others or the public peace by their actions. The regulations contained in this instruction are applicable whether a family resides on base or in the local community.

c. Violations of this policy may lead to administrative or disciplinary action. Every effort will be made to handle alleged violations with maximum deference to parental rights. However, cases of child neglect will be referred to the Naval Hospital Rota, Spain, the appropriate chain of command, and Family Advocacy as appropriate. Military members who violate the provisions of this instruction may be prosecuted for violation of Article 92 of the Uniform Code of Military Justice, in addition to other administrative action. Civilians who violate this instruction may have their privileges revoked, be barred from the base, and/or be recommended for revocation of command sponsorship.

5. Discussion

a. General

(1) The overseas military community differs from CONUS military and civilian environments in many ways. CONUS Commanding Officers seldom become aware of minor dependents' misconduct through official channels, as primary responsibility for child law enforcement resides with the state. At OCONUS installations, the Commanding Officer is responsible for law enforcement. Per reference (a), it is incumbent on the Commanding Officer to ensure the safety and welfare of dependent children and minor guests.

(2) This policy is in no way intended to interfere with cultural immersion. It sets forth reasonable recommendations to ensure children are protected from potentially unsafe or illegal conduct. All personnel should familiarize themselves with reference (c). Specifically, the drinking age in Spain is eighteen. Purchasing alcohol for or providing alcohol to minors is strictly prohibited. More detailed regulations on underage alcohol consumption are found in reference (c).

b. Guidelines

(1) Parents and guardians are responsible to know the whereabouts of their children and minor guests 24 hours a day.

(2) Parents and guardians whose children and minor guests participate in unofficial extracurricular activities or gatherings at locations other than Moral Welfare and Recreation (MWR) or Department of Defense Dependent Schools (DoDDS) facilities shall communicate with each other to ensure adequate supervision.

(3) Parents and guardians will participate in the enforcement of on-base off-limits areas discussed below.

(4) Participation in Spanish cultural events, like Feria, is encouraged. However, it is recommended that parents and guardians implement reasonable safeguards as warranted by the age and maturity level of the child to ensure the lawful conduct, health, and safety of their children and minor dependents.

(5) Parents and guardians will discourage their children and minor guests from loitering in unsupervised locations both on and off-base. Vacant housing units and Sea View Pines are traditional trouble areas. The entire community should be vigilant of unsupervised activity in these locations.

c. Supervision

(1) Primary responsibility for minor supervision is with the parent/guardian. Any minor violating the restrictions listed below will be detained by base security until his or her parent or guardian assumes custody. The following general restrictions apply to all minors:

Age	Left Unattended In Quarters	Left Alone Overnight (2230-0530)	Left in Playground Unsupervised	Left in Car Unsupervised
0-5 yrs	NO	NO	NO	NO
6-9 yrs	NO	NO	YES*	NO
10-15 yrs	YES	NO	YES	YES
16+ yrs	YES	YES**	YES	YES

ADULT WITHIN HEARING OR VISUAL CONTACT.

****WITH ACCESS TO ADULT SUPERVISION – DESIGNATED ADULT CAPABLE OF RESPONDING WITHIN A REASONABLE AMOUNT OF TIME.****

(2) Children between the ages of 6 and 10 may transit during daylight hours within the Base Housing Area to and from organized activities where adults are present, and where adults are providing custodial care and oversight. Examples include transit to and from school, school clubs and activities, and Boy Scout/Girl Scout meetings. Kindergarten and preschool children will be accompanied to/from school by an adult or “responsible person” regardless of age. Bus-

riding students in preschool through the third grade, must be accompanied to/from the bus stop by an adult or responsible person. The school defines “responsible person” for these purposes as a sibling in the 7th grade or above, or an individual in the seventh grade or above that has been designated in writing, with the school, by the parent/guardian.

(3) Rota has significant portions of the school year when school begins during hours of darkness or near dawn. Children under the age of 10 must be supervised if transiting in periods of darkness or low light. All children, regardless of age, are strongly encouraged to carry lights or wear reflective material if transiting to school during these time periods and are required to do so if operating a bicycle, scooter, or similar on the roadway.

(4) Children under 12 years of age will not babysit other children, including their siblings. All children who wish to baby-sit are strongly encouraged to complete the babysitting course offered by the Red Cross. Baby-sitters under the age of 16 may supervise until 0200 (until 0000 for 12- and 13-year old babysitters) but are not allowed to baby-sit all night. Personality, environment, developmental progress, and maturity levels are factors parents must use to determine when children are ready to accomplish activities with little or no supervision. Parents should assess their children’s maturity and, if necessary, raise the minimum age limits outlined above.

d. Specific Restrictions

(1) Barracks: Off limits to all children under the age of 18, as well as any dependents who have not yet completed high school.

(2) Aquatics: Children nine and under must be accompanied. Children 10-12 must pass a swim test administered by the MWR Lifeguards to come to the pool unsupervised.

(3) Youth Sports: Children in grades 9-12 may compete unsupervised with parental approval.

(4) Golf: Children 12 and under require adult supervision, unless a waiver is granted by the golf course professional.

(5) Theaters: Per MWR policy, ratings shall be enforced. All minors must have supervised transportation from the theater movies that end after sunset. Minors are prohibited from walking home from the Drive-in after dark.

(6) Expeditions Building (ITT and Liberty Center): Must be at least 18 years old and cannot be enrolled in high school.

(7) ITT Trips: Children 17 or under must be accompanied or supervised by their parent or designated adult guardian.

(8) La Plaza: Minors under the age of 18 years, excluding active duty military members, must be accompanied and supervised by a parent or legal guardian after 1800. After 2200, all minors are required to vacate these facilities.

(9) Fitness Center: Children age 14-17 may use designated facilities without supervision after completing the Youth Fitness certification process; children 10-13 must obtain the certification and be supervised by an adult; children under the age of 10 are never permitted in the cardio and weight training areas and must be accompanied by an adult at all times in other areas of the fitness center.

(10) On-base parks, playgrounds, beaches and the golf course are off-limits from sunset to sunrise, except in cases of command sponsored special events. Minors will not congregate on establishments outside normal business hours.

(11) Children age 10 years and older are authorized to sign themselves in and out of the Child and Youth Program's School Age Care or Youth Programs with the completion of a self-release form signed by their parent or guardian.

e. Education. All not otherwise exempted children between the ages of 6 and 18 years are subject to compulsory full time education. It is the responsibility of the parent or guardian to ensure that their child participates for the length of the school day. Home-schooling will typically be conducted during similar hours as DoDDS or local schools and comply with reference (d). All students who are not enrolled full-time with DoDDS must register with the School Liaison Officer. The registration forms may be obtained and submitted with the School Liaison Officer, and/or any CYP facility.

(1) Location of educational services is particularly important as this will also serve as a location roster of dependent children in the event of a natural disaster or force protection event. Registration will include:

(a) Contact information for the dependent child's sponsor (to include command name).

(b) Contact information for any other local parent/guardian.

(c) Student's name, grade, and age.

(d) Course(s) of study.

(e) The name(s) of the instructor(s) (if not parent or guardian).

(f) Location(s) of study (to include any off-base facilities where the child receives educational services).

(g) Notice of what auxiliary services the parent/guardian anticipates requesting from DoDDS.

(2) Home-schooled students includes students that are educated solely within the home as well as those participating in home school groups or receiving educational services augmented by participation in local programs. In accordance with reference (d), these students are eligible to use DoDDS auxiliary services, including use of academic resources, access to the school library, after-hours use of school facilities, and participation in music, sports, and other extracurricular and interscholastic activities. Of note, Spanish law does not currently contain provisions for home-schooling and requires compulsory enrollment/education for all children between the ages of 6 and 16 in an accredited facility. While U.S. military personnel who choose to home-school their children do not have a history of difficulties with Spanish authorities, there is no policy that explicitly exempts military families from this requirement. Families who register their children directly with Spanish government agencies for any purpose may expose themselves to Spanish inquiries about the schooling of their children.

(3) Notwithstanding DoDDS regulations, parents will not withdraw a child from school except for good cause, which should normally be limited to medical/dental appointments, illness, funerals of immediate family members, religious holidays, or other justifiable causes. The principal or his/her delegate must approve absences.

(4) Cases of suspected educational neglect will be referred to Family Advocacy; if there is a question about whether an educational program complies with these requirements, Family Advocacy and/or DoDDS may evaluate individual home-schooling programs or request records to verify that dependents are being home-schooled. Substantiated cases of educational neglect where the member refuses to take remedial action will typically constitute a basis for revocation of command sponsorship.

f. Shuttle Buses. The minimum age to ride the shuttle bus unsupervised is 12. This restriction applies year round regardless of whether school is in session or not. During school hours all students must be accompanied by an adult.

g. Single Parents, TAD and Leave. Personnel in these categories are not exempted from ensuring that minors are supervised per this regulation. Members are expected to fully comply with this instruction and reference (e). Powers of attorney shall be executed when leaving children with a guardian for more than 24 hours. The U.S. Region Legal Services Office Europe and Southwest Asia Detachment Rota, Spain is available to draft and brief their designated

caregiver thoroughly on financial and logistical arrangements, locations of important papers and significant medical/dental issues.

A handwritten signature in black ink, appearing to read 'M. D. MacNicholl', written in a cursive style.

M. D. MACNICHOLL

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