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Administration for Children and Families  
Administration on Children, and Families

# Child Abuse Prevention and Treatment Act, As Amended

## November 4, 1992

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National Center on Child Abuse and Neglect

## CHILD ABUSE PREVENTION AND TREATMENT ACT

Legislative Authority: Child Abuse Prevention and Treatment Act, as amended.

U.S. Code Citation: 42 USC 5101 et seq.

ACF Regulations: 45 CFR 1340.

### Legislative History:

The Child Abuse Prevention and Treatment Act was originally enacted in P.L. 93-247. It has been amended several times. The law was completely rewritten in the Child Abuse Prevention, Adoption and Family Services Act of 1988, P.L. 100-294, enacted on April 25, 1988. It was further amended by the Child Abuse Prevention Challenge Grants Reauthorization Act of 1989, P.L. 101-126 (10/25/89) and the Drug Free School Amendments of 1989, P.L. 101-226 (12/12/89).

The "Community-based Child Abuse and Neglect Prevention Grants" program was originally authorized by sections 402 through 409 of the Continuing Appropriations Act for FY 1985, P.L. 98-473 (10/12/84). The Child Abuse Prevention Challenge Grants Reauthorization Act of 1989, P.L. 101-126, transferred this program to the Child Abuse Prevention and Treatment Act, as amended.

A new title III, "Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness," was added to the Child Abuse and Neglect Prevention and Treatment Act by the Stewart B. McKinney Homeless Assistance Act Amendments of 1990, P.L. 101-645 (11/29/90).

The Child Abuse Prevention and Treatment Act was most recently reauthorized and otherwise amended by the "Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992," (P.L. 102-295, 5/28/92). The most recent amendment to the Act was made by the Juvenile Justice and Delinquency Prevention Act Amendments of 1992, P.L. 102-586 (11/4/92).

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SEC. 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Prevention and Treatment Act."

SEC. 2. FINDINGS.

Congress finds that—

- (1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;
- (2) many of these children and their families fail to receive adequate protection or treatment;
- (3) the problem of child abuse and neglect requires a comprehensive approach that—
  - (A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;
  - (B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;
  - (C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;
  - (D) ensures properly trained and support staff with specialized knowledge, to carry out their child protection duties; and
  - (E) is sensitive to ethnic and cultural diversity;
- (4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;
- (5) all elements of American society have a shared responsibility in responding to this national child and family emergency;
- (6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;
- (7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;
- (8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

(11) the Federal government should provide leadership and assist communities in their child protection efforts by—

(A) promoting coordinated planning among all levels of government;

(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

(C) strengthening the capacity of States to assist communities;

(D) allocating sufficient financial resources to assist States in implementing community plans;

(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

(F) providing leadership to end the abuse and neglect of the nation's children and youth.

## **TITLE I — GENERAL PROGRAM**

### **NATIONAL CENTER ON CHILD ABUSE AND NEGLECT**

Sec. 101. [42 U.S.C. 5101]

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an office to be known as the National Center on Child Abuse and Neglect.

(b) APPOINTMENT OF DIRECTOR.—

(1) APPOINTMENT.—The Secretary shall appoint a Director of the Center. Except as otherwise provided in this Act, the Director shall be responsible only for administration and operation of the Center and for carrying out the functions of the Center under this Act. The Director shall have experience in the field of child abuse and neglect.

(2) COMPENSATION.—The Director shall be compensated at the annual rate provided for a level GS-15 employee under section 5332 of title 5, United States Code.

(c) OTHER STAFF AND RESOURCES.—The Secretary shall make available to the Center such staff and resources as are necessary for the Center to carry out effectively its functions under this Act. The Secretary shall require that professional staff have experience relating to child abuse and neglect. The Secretary is required to justify, based on the priorities and needs of the Center, the hiring of any professional staff member who does not have experience relating to child abuse and neglect.

### **ADVISORY BOARD ON CHILD ABUSE AND NEGLECT**

Sec. 102. [42 U.S.C. 5102]

(a) APPOINTMENT.—The Secretary shall appoint an advisory board to be known as the Advisory Board on Child Abuse and Neglect.

(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointments required by subsection (a).

(c) COMPOSITION OF BOARD.—

(1) NUMBER OF MEMBERS.—The board shall consist of 15 members, each of which shall be a person who is recognized for expertise in an aspect of the area of child abuse, of which—

(A) 2 shall be members of the task force established under section 103; and

(B) 13 shall be members of the general public and may not be Federal employees.

(2) REPRESENTATION.—The Secretary shall appoint members from the general public under paragraph (1)(B) who are individuals knowl-

edgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

- (A) law (including the judiciary);
- (B) psychology (including child development);
- (C) social services (including child protective services);
- (D) medicine (including pediatrics);
- (E) State and local government;
- (F) organizations providing services to disabled persons;
- (G) organizations providing services to adolescents;
- (H) teachers;
- (I) parent self-help organizations;
- (J) parents' groups; and
- (K) voluntary groups.

(3) TERMS OF OFFICE.—

(A) Except as otherwise provided in this subsection, members shall be appointed for terms of office of 4 years.

(B) Of the members of the board from the general public first appointed under subsection (a)—

- (i) 4 shall be appointed for terms of office of 2 years;
- (ii) 4 shall be appointed for terms of office of 3 years; and
- (iii) 5 shall be appointed for terms of office of 4 years, as determined by the members from the general public during the first meeting of the board.

(C) No member of the board appointed under subsection (a) shall be eligible to serve in excess of two consecutive terms, but may continue to serve until such member's successor is appointed.

(4) VACANCIES.—Any member of the board appointed under subsection (a) to fill a vacancy occurring before the expiration of the term to which such member's predecessor was appointed shall be appointed for the remainder of such term. If the vacancy occurs prior to the expiration of the term of a member of the board appointed under subsection (a), a replacement shall be appointed in the same manner in which the original appointment was made.

(5) REMOVAL.—No member of the board may be removed during the term of office of such member except for just and sufficient cause.

(d) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members from the general public.

(e) MEETINGS.—The board shall meet not less than twice a year at the call of the chairperson. The chairperson, to the maximum extent practicable, shall coordinate meetings of the board with receipt of reports from the task force under section 103(f).



(f) DUTIES.—The board shall—

(1) annually submit to the Secretary and the appropriate committees of Congress a report containing—

(A) recommendations on coordinating Federal child abuse and neglect activities to prevent duplication and ensure efficient allocations of resources and program effectiveness; and

(B) recommendations as to carrying out the purposes of this Act;

(2) annually submit to the Secretary and the Director a report containing long-term and short-term recommendations on—

(A) programs;

(B) research;

(C) grant and contract needs;

(D) areas of unmet needs; and

(E) areas to which the Secretary should provide grant and contract priorities under sections 105 and 106;

(3) annually review the budget of the Center and submit to the Director a report concerning such review; and

(4) not later than 24 months after the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992, submit to the Secretary and the appropriate committees of the Congress a report containing the recommendations of the Board with respect to—

(A) a national policy designed to reduce and ultimately to prevent child and youth maltreatment-related deaths, detailing appropriate roles and responsibilities for State and local governments and the private sector;

(B) specific changes needed in Federal laws and programs to achieve an effective Federal role in the implementation of the policy specified in subparagraph (A); and

(C) specific changes needed to improve national data collection with respect to child and youth maltreatment-related deaths.

(g) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), members of the board, other than those regularly employed by the Federal Government, while serving on business of the board, may receive compensation at a rate not in excess of the daily equivalent payable to a GS-18 employee under section 5332 of title 5, United States Code, including travel time.

(2) TRAVEL.—Except as provided in paragraph (3), members of the board, while serving on business of the board away from their homes or regular places of business, may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

- (3) **RESTRICTION.**—The Director may not compensate a member of the board under this section if the member is receiving compensation or travel expenses from another source while serving on business of the board.
- (h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section, \$1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

### **INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT**

Sec. 103. [42 U.S.C. 5103]

- (a) **ESTABLISHMENT.**—The Secretary shall establish a task force to be known as the Inter-Agency Task Force on Child Abuse and Neglect.
- (b) **COMPOSITION.**—The Secretary shall request representation for the task force from Federal agencies with responsibility for programs and activities related to child abuse and neglect.
- (c) **CHAIRPERSON.**—The task force shall be chaired by the Director.
- (d) **DUTIES.**—The task force shall—
- (1) coordinate Federal efforts with respect to child abuse prevention and treatment programs;
  - (2) encourage the development by other Federal agencies of activities relating to child abuse prevention and treatment;
  - (3) coordinate the use of grants received under this Act with the use of grants received under other programs;
  - (4) prepare a comprehensive plan for coordinating the goals, objectives, and activities of all Federal agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and submit such plan to such Advisory Board not later than 12 months after the date of enactment of the Child Abuse Prevention, Adoption and Family Services Act of 1988; and
  - (5) coordinate adoption related activities, develop Federal standards with respect to adoption activities under this Act, and prevent duplication with respect to the allocation of resources to adoption activities.
- (e) **MEETINGS.**—The task force shall meet not less than three times annually at the call of the chairperson.
- (f) **REPORTS.**—The task force shall report not less than twice annually to the Center and the Board.

### **NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE**

Sec. 104. [42 U.S.C. 5104]

- (a) **ESTABLISHMENT.**—Before the end of the 2-year period beginning on the date of the enactment of the Child Abuse Prevention, Adoption and

Family Services Act of 1988, the Secretary shall through the Center, or by contract of no less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.

(b) FUNCTIONS.—The Director shall, through the clearinghouse established by subsection (a)—

(1) maintain, coordinate, and disseminate information on all programs, including private programs, that show promise of success with respect to the prevention, identification, and treatment of child abuse and neglect, including the information provided by the National Center for Child Abuse and Neglect under section 105(b);

(2) maintain and disseminate information relating to—

(A) the incidence of cases of child abuse and neglect in the general population;

(B) the incidence of such cases in populations determined by the Secretary under section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988;

(C) the incidence of any such cases related to alcohol or drug abuse; and

(D) State and local recordkeeping with respect to such cases; and

(3) directly or through contract, identify effective programs carried out by the States pursuant to title II and provide technical assistance to the States in the implementation of such programs.

(c) COORDINATION WITH AVAILABLE RESOURCES.—In establishing a national clearinghouse as required by subsection (a), the Director shall—

(1) consult with other Federal agencies that operate similar clearinghouses;

(2) consult with the head of each agency that is represented on the task force on the development of the components for information collection and management of such clearinghouse;

(3) develop a Federal data system involving the elements under subsection (b) which, to the extent practicable, coordinates existing State, regional, and local data systems; and

(4) solicit public comment on the components of such clearinghouse.

#### **RESEARCH AND ASSISTANCE ACTIVITIES OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT**

Sec. 105. [42 U.S.C. 5105]

(a) RESEARCH.—

(1) TOPICS.—The Secretary shall, through the Center, conduct research on—

(A) the causes, prevention, identification, treatment and cultural distinctions of child abuse and neglect;

(B) appropriate, effective and culturally sensitive investigative, administrative, and judicial procedures with respect to cases of child abuse; and

(C) the national incidence of child abuse and neglect, including—

(i) the extent to which incidents of child abuse are increasing or decreasing in number and severity;

(ii) the relationship of child abuse and neglect to nonpayment of child support, cultural diversity, disabilities, and various other factors; and

(iii) the incidence of substantiated reported child abuse cases that result in civil child protection proceedings or criminal proceedings, including the number of such cases with respect to which the court makes a finding that abuse or neglect exists and the disposition of such cases.

(2) PRIORITIES.—

(A) The Secretary shall establish research and demonstration priorities for making grants or contracts for purposes of carrying out paragraph (1)(A) and activities under section 106.

(B) In establishing research and demonstration priorities as required by subparagraph (A), the Secretary shall—

(i) publish proposed priorities in the Federal Register for public comment; and

(ii) allow not less than 60 days for public comment on such proposed priorities.

(b) PUBLICATION AND DISSEMINATION OF INFORMATION.—The Secretary shall, through the Center—

(1) as a part of research activities, establish a national data collection and analysis program—

(A) which, to the extent practicable, coordinates existing State child abuse and neglect reports and which shall include—

(i) standardized data on false, unfounded, or unsubstantiated reports; and

(ii) information on the number of deaths due to child abuse and neglect; and

(B) which shall collect, compile, analyze, and make available State child abuse and neglect reporting information which, to the extent practical, is universal and case specific, and integrated with other case-based foster care and adoption data collected by the Secretary;

(2) annually compile and analyze research on child abuse and neglect and publish a summary of such research;

(3) compile, evaluate, publish, and disseminate to the States and to the clearinghouse, established under section 104, materials and information designed to assist the States in developing, establishing, and operating

the program; described in section 109, including an evaluation of—

(A) various methods and procedures for the investigation and prosecution of child physical and sexual abuse cases; and

(B) resultant psychological trauma to the child victim;

(4) compile, publish, and disseminate training materials—

(A) for persons who are engaged in or intend to engage in the prevention, identification, and treatment of child abuse and neglect; and

(B) to appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse; and

(5) establish model information collection systems, in consultation with appropriate State and local agencies and professionals.

(C) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall, through the Center, provide technical assistance to public and non-profit private agencies and organizations, including disability organizations and persons who work with children with disabilities, to assist such agencies and organizations in planning, improving, developing and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect.

(d) AUTHORITY TO MAKE GRANTS OR ENTER INTO CONTRACTS.—

(1) IN GENERAL.—The functions of the Secretary under this section may be carried out either directly or through grant or contract.

(2) DURATION.—Grants under this section shall be made for periods of not more than 5 years. The Secretary shall review each such grant at least annually, utilizing peer review mechanisms to assure the quality and progress of research conducted under such grant.

(3) PREFERENCE FOR LONG-TERM STUDIES.—In making grants for purposes of conducting research under subsection (a), the Secretary shall give special consideration to applications for long-term projects.

(e) PEER REVIEW FOR GRANTS.—

(1) ESTABLISHMENT OF PEER REVIEW PROCESS.—

(A) The Secretary shall establish a formal peer review process for purposes of evaluating and reviewing applications for grants and contracts under this section and determining the relative merits of the projects for which such assistance is requested.

(B) In establishing the process required by subparagraph (A), the Secretary shall appoint to the peer review panels only members who are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise in the application to be reviewed, and who are not individuals who are officers or employees of the

Office of Human Development. The panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but may not meet less than once a year.

(2) REVIEW OF APPLICATIONS FOR ASSISTANCE.—Each peer review panel established under paragraph (1)(A) that reviews any application for a grant, contract, or other financial assistance shall—

(A) determine and evaluate the merit of each project described in such application;

(B) rank such application with respect to all other applications it reviews in the same priority area for the fiscal year involved, according to the relative merit of all of the projects that are described in such application and for which financial assistance is requested; and

(C) make recommendations to the Secretary concerning whether the application for the project shall be approved.

(3) NOTICE OF APPROVAL.—

(A) The Secretary shall provide grants and contracts under this section from among the projects which the peer review panels established under paragraph (1)(A) have determined to have merit.

(B) In the instance in which the Secretary approves an application for a program without having approved all applications ranked above such application (as determined under subsection (e)(2)(B)), the Secretary shall append to the approved application a detailed explanation of the reasons relied on for approving the application and for failing to approve each pending application that is superior in merit, as indicated on the list under subsection (e)(2)(B).

#### **GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS**

Sec. 106. [42 U.S.C. 5106]

(a) GENERAL AUTHORITY.—

(1) DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS.—

The Secretary, through the Center, shall, in accordance with subsections (b) and (c), make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations of such agencies or organizations) for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect.

(2) EVALUATIONS.—In making grants or entering into contracts for demonstration projects, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall

be provided either as a stated percentage of a demonstration grant or contract, or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.

(b) GRANTS FOR RESOURCE CENTERS.—The Secretary shall, directly or through grants or contracts with public or private nonprofit organizations under this section, provide for the establishment of resource centers—

- (1) serving defined geographic areas;
- (2) staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect; and
- (3) providing advice and consultation to individuals, agencies, and organizations which request such services.

(c) DISCRETIONARY GRANTS.—In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for the following:

(1) TRAINING PROGRAMS.—

(A) for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect;

(B) to provide culturally specific instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of children, including parents of and persons who work with disabilities; or

(C) to improve the recruitment, selection, and training of volunteers serving in private and public nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally.

(2) Such other innovative programs and projects as the Secretary may approve, including programs and projects for parent self-help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs designed to reach parents of children in populations in which risk is high, that show promise of successfully preventing and treating cases of child abuse and neglect, and for a parent self-help program of demonstrated effectiveness which is national in scope.

(3) Projects which provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

(4) Respite and crisis nursery programs provided by community-based organizations under the direction and supervision of hospitals.

(5) Respite and crisis nursery programs provided by community-based organizations.

(6)(A) Providing hospital-based information and referral services to—

- (i) parents of children with disabilities; and
- (ii) children who have been neglected or abused and their parents.

(B) Except as provided in subparagraph (C)(iii), services provided under a grant received under this paragraph shall be provided at the hospital involved—

- (i) upon the birth or admission of a child with disabilities; and
- (ii) upon the treatment of a child for abuse or neglect.

(C) Services, as determined as appropriate by the grantee, provided under a grant received under this paragraph shall be hospital-based and shall consist of—

- (i) the provision of notice to parents that information relating to community services is available;
- (ii) the provision of appropriate information to parents of a child with disabilities regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child;
- (iii) the provision of appropriate information to parents of a child who has been neglected or abused regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child and reduce the possibility of abuse or neglect;
- (iv) the provision of appropriate follow-up services to parents of a child described in subparagraph (B) after the child has left the hospital; and
- (v) where necessary, assistance in coordination of community services available to parents of children described in subparagraph (B).

The grantee shall assure that parental involvement described in this subparagraph is voluntary.

(D) For purposes of this paragraph, a qualified grantee is a nonprofit acute care hospital that—

- (i) is in a combination with—
  - (I) a health-care provider organization;
  - (II) a child welfare organization;
  - (III) a disability organization; and
  - (IV) a State child protection agency;
- (ii) submits an application for a grant under this paragraph that is approved by the Secretary;
- (iii) maintains an office in the hospital involved for purposes of providing services under such grant;



- (iv) provides assurances to the Secretary that in the conduct of the project the confidentiality of medical, social and personal information concerning any person described in subparagraph (A) or (B) shall be maintained, and shall be disclosed only to qualified persons providing required services described in subparagraph (C) for purposes relating to conduct of the project; and
  - (v) assumes legal responsibility for carrying out the terms and conditions of the grant.
- (E) In awarding grants under this paragraph, the Secretary shall—
- (i) give priority under this section for two grants under this paragraph, provided that one grant shall be made to provide services in an urban setting and one grant shall be made to provide services in a rural setting; and
  - (ii) encourage qualified grantees to combine the amounts received under the grant with other funds available to such grantees.
- (7) Such other innovative programs and projects that show promise of preventing and treating cases of child abuse and neglect as the Secretary may approve.

#### **GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS**

Sec. 107. [42 U.S.C. 5106a]

- (a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—
- (1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;
  - (2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;
  - (B) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and
  - (C) improving legal preparation and representation;
  - (3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;
  - (4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs.

Not more than 15 percent of a grant under this subsection may be expended for carrying out paragraph (5). The preceding sentence does not apply to any program or activity authorized in any of paragraphs (1) through (4).

(b) ELIGIBILITY REQUIREMENTS.—In order for a State to qualify for a grant under subsection (a), such State shall—

(1) have in effect a State law relating to child abuse and neglect, including—

(A) provisions for the reporting of known and suspected instances of child abuse and neglect, and

(B) provisions for immunity from prosecution under State and local laws for persons who report instances of child abuse or neglect for circumstances arising from such reporting;

(2) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child and of any other child under the same care who may be in danger of abuse or neglect;

(3) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such—

(A) administrative procedures;

(B) personnel trained in child abuse and neglect prevention and treatment;

(C) training procedures;

(D) institutional and other facilities (public and private); and

(E) such related multidisciplinary programs and services;

as may be necessary or appropriate to ensure that the State will deal effectively with child abuse and neglect cases in the State;

(4) provide for—

(A) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including methods to ensure that disclosure (and redisclosure) of information concerning child abuse or neglect involving specific individuals is made only to persons or entities that the State determines have a need for such information directly related to purposes of this Act; and

(B) requirements for the prompt disclosure of all relevant information to any Federal, State, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect.

- (5) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;
  - (6) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;
  - (7) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to ensure that Federal funds made available under this Act for any fiscal year shall be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;
  - (8) provide for dissemination of information, including efforts to encourage more accurate reporting, to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect;
  - (9) to the extent feasible, ensure that parental organizations combating child abuse and neglect receive preferential treatment; and
  - (10) have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—
    - (A) coordination and consultation with individuals designated by and within appropriate health-care facilities;
    - (B) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and
    - (C) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.
- (c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall submit every four years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State

in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

(1) INTAKE AND SCREENING.—

(A) STAFFING.—The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

(B) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

(C) PUBLIC EDUCATION.—An assessment of the State or local agency's public education program with respect to—

- (i) what is child abuse and neglect;
- (ii) who is obligated to report and who may choose to report; and
- (iii) how to report.

(2) INVESTIGATION OF REPORTS.—

(A) RESPONSE TIME.—The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

(B) STAFFING.—The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

(C) INTERAGENCY COORDINATION.—A description of the extent to which interagency coordination processes exist and are available Statewide, and whether protocols or formal policies governing interagency relationships exist in the following areas—

- (i) multidisciplinary investigation teams among child welfare and law enforcement agencies;
- (ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and
- (iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and super-

visory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

(E) LEGAL REPRESENTATION.—A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.

(3) CASE MANAGEMENT AND DELIVERY OF ONGOING FAMILY SERVICES.—For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at risk of removal, the State shall assess the activities and the outcomes of the following services:

(A) RESPONSE TIME.—The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

(B) STAFFING.—The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

(C) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.

(D) INTERAGENCY COORDINATION.—The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

(4) GENERAL SYSTEM ENHANCEMENT.—

(A) AUTOMATION.—A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

(B) ASSESSMENT TOOLS.—A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

(C) INFORMATION AND REFERRAL.—A description and assessment of the extent to which a State has in place—

- (i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and
- (ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

(D) STAFF CAPACITY AND COMPETENCE.—An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

(5) INNOVATIVE APPROACHES.—A description of—

(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and

(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed.

(d) Waivers.

(1) General Rule.—Subject to paragraph (3) of this subsection, any State which does not qualify for assistance under this subsection may be granted a waiver of any requirement under paragraph (2) of subsection (a)—

(A) for a period of not more than one year, if the Secretary makes a finding that such State is making a good faith effort to comply with any such requirement, and for a second one-year period if the Secretary makes a finding that such State is making substantial progress to achieve such compliance; or

(B) for a nonrenewable period of not more than two years in the case of a State the legislature of which meets only biennially, if the Secretary makes a finding that such State is making a good faith effort to comply with such requirement.

(2) Extension.—(A) subject to paragraph (3) of this subsection, any State whose waiver under paragraph (1) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary

makes a finding that such State is making a good faith effort to comply with the requirements under subsection (b) of this section—

(i) through the end of fiscal year 1988; or

(ii) in the case of a State the legislature of which meets biennially, through the end of the fiscal year 1989 or the end of the next regularly scheduled session of such legislature, whichever is earlier;

(B) This provision shall be effective retroactively to October 1, 1986.

(3) Requirements Under Subsection (b)(10).—No waiver under paragraph (1) or (2) may apply to any requirement under subsection (b)(10) of this section.

(e) Reduction of Funds In Case of Failure to Obligate.—If a State fails to obligate funds awarded under subsection (a) before the expiration of the 18-month period beginning on the date of such award, the next award made to such State under this section after the expiration of such period shall be reduced by an amount equal of the amount of such unobligated funds unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

(f) Restrictions Relating to Child Welfare Services.—Programs or projects relating to child abuse and neglect assisted under Part B of Title IV of the Social Security Act shall comply with the requirements set forth in paragraphs (1)(A), (2), (4), (5), and (10) of subsection (b).

(g) Compliance and Education Grants.—The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating—

(1) the procedures or programs required under subsection (b)(10);

(2) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

(A) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

(B) the parents of such infants; and

(3) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

(A) existing social and health services;

(B) financial assistance; and

(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption.

#### **EMERGENCY CHILD ABUSE PREVENTION SERVICES GRANT**

Sec. 107A. [42 U.S.C. 5106a-1]

(a) ESTABLISHMENT.—The Secretary shall establish a grant program to make grants to eligible entities to enable such entities to provide services to children whose parents are substance abusers.

(b) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section shall be—

- (1) State and local agencies that are responsible for administering child abuse or related child abuse intervention services; and
- (2) community and mental health agencies and nonprofit youth-serving organizations with experience in providing child abuse prevention services.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

(2) ASSURANCE OF USE.—An application submitted under paragraph (1) shall—

(A) contain an assurance that the applicant operates in a geographic area where child abuse has placed substantial strains on State and local agencies and has resulted in substantial increases in the need for services that cannot be met without funds available under this section;

(B) identify the responsible agency or agencies that will be involved in the use of funds provided under this section;

(C) contain a description of emergency situations with regard to children of substance abusers who need services of the type described in this section;

(D) contain a plan for improving the delivery of such services to such children;

(E) contain assurances that such services will be provided in a comprehensive multi-disciplinary and coordinated manner; and

(F) contain any additional information as the Secretary may reasonably require.

(d) USE OF FUNDS.—Funds received by an entity under this section shall be used to improve the delivery of services to children whose parents are substance abusers. Such services may include—

(1) the hiring of additional personnel by the entity to reduce caseloads;

(2) the provision of additional training for personnel to improve their ability to provide emergency child abuse prevention services related to substance abuse by the parents of such children;

(3) the provision of expanded services to deal with family crises created by substance abuse; and

(4) the establishment or improvement of coordination between the agency administering the grant, and—

(A) child advocates;

(B) public educational institutions;



(C) community-based organizations that serve substance abusing parents, including pregnant and post-partum females and their infants; and

(D) parents and representatives of parent groups and related agencies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$40,000,000 for fiscal year 1990, such sums as may be necessary for fiscal year 1991, \$40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

#### **TECHNICAL ASSISTANCE TO STATES FOR CHILD ABUSE PREVENTION AND TREATMENT PROGRAMS**

Sec. 108. [42 U.S.C. 5106b]

(a) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for—

(1) training and technical assistance programs to assist States in developing, implementing, or operating programs and procedures meeting the requirements of section 107(b)(10); and

(2) the establishment and operation of national and regional information and resource clearinghouses for the purpose of providing the most current and complete information regarding medical treatment procedures and resources and community resources for the provision of services and treatment to disabled infants with life-threatening conditions, including—

(A) compiling, maintaining, updating, and disseminating regional directories of community services and resources (including the names and phone numbers of State and local medical organizations) to assist parents, families, and physicians; and

(B) attempting to coordinate the availability of appropriate regional education resources for health-care personnel.

(b) LIMITATION ON FUNDING.—Not more than \$1,000,000 of the funds appropriated for any fiscal year for purposes of carrying out this title may be used to carry out this section.

#### **SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.**

Sec. 109. [42 U.S.C. 5106c]

(a) GRANTS TO STATES.—The Secretary, acting through the Center and in consultation with the Attorney General, is authorized to make grants to the States for the purpose of assisting States in developing, establishing, and operating programs designed to improve—

- (1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;
  - (2) the handling of cases of suspected child abuse or neglect related fatalities; and
  - (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.
- (b) **ELIGIBILITY REQUIREMENTS.**—In order for a State to qualify for assistance under this section, such State shall—
- (1) fulfill the requirements of sections 107(b);
  - (2) establish a task force as provided in subsection (c);
  - (3) fulfill the requirements of subsection (d);
  - (4) submit annually an application to the Secretary at such time and containing such information and assurances as the Secretary considers necessary, including an assurance that the State will—
    - (A) make such reports to the Secretary as may reasonably be required; and
    - (B) maintain and provide access to records relating to activities under subsections (a) and (b); and
  - (5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (3) of subsection (a).
- (c) **STATE TASK FORCES.**—
- (1) **GENERAL RULE.**—Except as provided in paragraph (2), a State requesting assistance under this section shall establish or designate and maintain a State multidisciplinary task force on children's justice (hereinafter referred to as State task force) composed of professionals with knowledge and experience relating to the criminal justice system and issues of child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities. The State task force shall include—
    - (A) individuals representing the law enforcement community;
    - (B) judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect (including individuals involved with the defense as well as the prosecution of such cases);
    - (C) child advocates, including both attorneys for children and, where such programs are in operation, court appointed special advocates;
    - (D) health and mental health professionals;
    - (E) individuals representing child protective service agencies;
    - (F) individuals experienced in working with children with disabilities; and

(G) representatives of parents' groups.

(2) EXISTING TASK FORCE.—As determined by the Secretary, a State commission or task force established after January 1, 1983, with substantially comparable membership and functions, may be considered the State task force for the purposes of this subsection.

(d) STATE TASK FORCE STUDY.—Before a State receives assistance under this section, at three year intervals thereafter, the State task force shall comprehensively—

(1) review and evaluate State investigative, administrative and both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal;

(2) make policy and training recommendations in each of the categories described in subsection (e). The task force may make such other comments and recommendations as are considered relevant and useful.

(e) ADOPTION OF STATE TASK FORCE RECOMMENDATIONS.—

(1) GENERAL RULE.—Subject to the provisions of paragraph (2), before a State receives assistance under this section, a State shall adopt recommendations of the State task force in each of the following categories

(A) investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused;

(B) experimental, model and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure procedural fairness to the accused; and

(C) reform of State laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly child sexual abuse and exploitation, while ensuring fairness to all affected persons.

(2) EXEMPTION.—As determined by the Secretary, a State shall be considered to be in fulfillment of the requirements of this subsection if—

(A) the State adopts an alternative to the recommendations of the State task force, which carries out the purpose of this section, in each of the categories under paragraph (1) for which the State task force's recommendations are not adopted; or

(B) the State is making substantial progress toward adopting recommendations of the State task force or a comparable alternative to such recommendations.

(f) FUNDS AVAILABLE.—For grants under this section, the Secretary shall use the amount authorized by section 1404A of the Victims of Crime Act of 1984.

#### MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE

Sec. 110. [42 U.S.C. 5106d]

(a) CONSTRUCTION OF FACILITIES.—

(1) RESTRICTION ON USE OF FUNDS.—Assistance provided under this Act may not be used for construction of facilities.

(2) LEASE, RENTAL OR REPAIR.—The Secretary may authorize the use of funds received under this Act—

(A) where adequate facilities are not otherwise available, for the lease or rental of facilities; or

(B) for the repair or minor remodeling or alteration of existing facilities.

(b) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this Act among the States, among geographic areas of the Nation, and among rural and urban areas of the Nation. To the extent possible, the Secretary shall ensure that the citizens of each State receive assistance from at least one project under this Act.

(c) PREVENTION ACTIVITIES.—The Secretary, in consultation with the task force and the board, shall ensure that a majority share of assistance under this Act is available for discretionary research and demonstration grants.

(d) LIMITATION.—No funds appropriated for any grant or contract pursuant to authorizations made in this Act may be used for any purpose other than that for which such funds were authorized to be appropriated.

#### COORDINATION OF CHILD ABUSE AND NEGLECT PROGRAMS

Sec. 111. [42 U.S.C. 5106e] The Secretary shall prescribe regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination among programs related to child abuse

and neglect under this Act and other such programs which are assisted by Federal funds.

## REPORTS

Sec. 112. [42 U.S.C. 5106f]

(a) COORDINATION EFFORTS.—Not later than March 1 of the second year following the date of enactment of the Child Abuse Prevention, Adoption and Family Services Act of 1988 and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report on efforts during the 2-year period preceding the date of the report to coordinate the objectives and activities of agencies and organizations which are responsible for programs and activities related to child abuse and neglect.

(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than two years after the first fiscal year for which funds are obligated under section 1404A of the Victims of Crime Act of 1984, the Secretary shall submit to the appropriate committees of Congress a report evaluating the effectiveness of—

- (1) assisted programs in achieving the objectives of section 109; and
- (2) the technical assistance provided under section 108.

## DEFINITIONS

Sec. 113. [42 U.S.C. 5106g] For purposes of this title—

- (1) the term "board" means the Advisory Board on Child Abuse and Neglect established under section 102;
- (2) the term "Center" means the National Center on Child Abuse and Neglect established under section 101;
- (3) the term "child" means a person who has not attained the lesser of—
  - (A) the age of 18; or
  - (B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;
- (4) the term "child abuse and neglect" means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by a person who is responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary;
- (5) the term "person who is responsible for the child's welfare" includes—
  - (A) any employee of a residential facility; and
  - (B) any staff person providing out-of-home care;

(6) the term "Secretary" means the Secretary of Health and Human Services;

(7) the term "sexual abuse" includes—

(A) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or

(B) the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

(9) the term "task force" means the Inter-Agency Task Force on Child Abuse and Neglect established under section 103; and

(10) the term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment—

(A) the infant is chronically and irreversibly comatose;

(B) the provision of such treatment would—

(i) merely prolong dying;

(ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(iii) otherwise be futile in terms of the survival of the infant; or

(C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

## AUTHORIZATION OF APPROPRIATIONS

Sec. 114. [42 U.S.C. 5106h]

(a) IN GENERAL.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this title, except for section 107A, \$100,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(2) ALLOCATIONS.—

(A) Of the amounts appropriated under paragraph (1) for a fiscal year, \$5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 107(g).

(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A)—

(i)  $33\frac{1}{3}$  percent shall be available for activities under sections 104, 105 and 106; and

(ii)  $66\frac{2}{3}$  percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108.

(b) AVAILABILITY OF FUNDS WITHOUT FISCAL YEAR LIMITATION.—

The Secretary shall ensure that funds appropriated pursuant to authorizations in this title shall remain available until expended for the purposes for which they were appropriated.

## **TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS**

### **SEC. 201. PURPOSES.**

It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.

### **DEFINITIONS**

Sec. 202. [42 U.S.C. 5116a] As used in this title—

(1) the term "Secretary" means the Secretary of Health and Human Services; and

(2) the term "State" means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, or Palau.

### **GRANTS AUTHORIZED**

Sec. 203. [42 U.S.C. 5116b]

(a) IN GENERAL.— The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible States.

(b) AUTHORIZATION OF APPROPRIATIONS.— For the purpose of carrying out this title, there are authorized to be appropriated \$45,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

### **STATE ELIGIBILITY**

Sec. 204. [42 U.S.C. 5116c] Any State is eligible for a grant under this title for any fiscal year if such State has established or maintained in the previous fiscal year a trust fund, including appropriations, which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities.

### **LIMITATIONS**

Sec. 205. [42 U.S.C. 5116d]

(a) AMOUNT OF GRANT.—

(1) ALLOTMENT FORMULA.—

(A) IN GENERAL.—Amounts appropriated to provide grants under



this title shall be allotted among eligible States in each fiscal year so that—

(i) 50 percent of the total amount appropriated is allotted among each State based on the number of children under the age of 18 in each such State, except that each State shall receive not less than \$30,000; and

(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

(B) USE OF AMOUNTS.—Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed \$10,000,000.

(2) DEFINITION.— For purposes of paragraph (1)(B), the term "children" means individuals who have not attained the age of majority, as defined by such State.

(b) APPLICATION.—

(1) REQUIREMENTS.— No grant may be made to any eligible State unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Each application shall—

(A) specify that the trust fund advisory board, or in States without a trust fund mechanism, the State liaison agency to the National Center on Child Abuse and Neglect, established by section 101 will be responsible for administering and awarding of the Federal grants to eligible recipients carrying out activities described in section 204;

(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

(C) demonstrate the outcome of services and activities funded under this title;

(D) provide evidence that Federal assistance received under this title has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 204 shall be supplemented by State assistance);

(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved

areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;

(F) provide assurances that any assistance received under this title shall not be used as a source for non-Federal funds for the matching requirements of any other provision of Federal law; and

(G) provide for keeping records and making such reasonable reports as the Secretary deems essential to carry out the purposes and provisions of this title.

(2) APPROVAL.—The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and opportunity for a hearing with respect to the disapproval.

### **WITHHOLDING**

Sec. 206. [42 U.S.C. 5116e] Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply with any provision of this title, the Secretary shall notify the State that further payments will not be made under this title until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this title.

### **AUDIT**

Sec. 207. [42 U.S.C. 5116f] The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any other entity receiving assistance under this title that are pertinent to the sums received and disbursed under this title.

### **REPORT**

Sec. 208. [42 U.S.C. 5116g] The Secretary shall prepare and submit to the Congress at the end of each year a compilation and analysis of any reports submitted by eligible States under section 205(b)(1)(C).

**TITLE III—CERTAIN PREVENTIVE SERVICES REGARDING  
CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF  
HOMELESSNESS**

**SEC. 301. DEMONSTRATION GRANTS FOR PREVENTION OF  
INAPPROPRIATE SEPARATION FROM FAMILY AND FOR  
PREVENTION OF CHILD ABUSE AND NEGLECT.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary may make grants to entities described in subsection (b)(1) for the purpose of assisting such entities in demonstrating, with respect to children whose families are homeless or at risk of becoming homeless, the effectiveness of activities undertaken to prevent—

- (1) the inappropriate separation of such children from their families on the basis of homelessness or other problems regarding the availability and conditions of housing for such families; and
- (2) the abuse and neglect of such children.

(b) **MINIMUM QUALIFICATIONS OF GRANTEEES.**—

(1) **IN GENERAL.**—The entities referred to in subsection (a) are State and local agencies that provide services in geographic areas described in paragraph (2), and that have authority—

(A) for removing children, temporarily or permanently, from the custody of the parents (or other legal guardians) of such children and placing such children in foster care or other out-of-home care; or

(B) in the case of youths not less than 16 years of age for whom such a placement has been made, for assisting such youths in preparing to be discharged from such care into circumstances of providing for their own support.

(2) **ELIGIBLE GEOGRAPHIC AREAS.**—The geographic areas referred to in paragraph (1) are geographic areas in which homelessness and other housing problem are—

(A) threatening the well-being of children; and

(B)(i) contributing to the placement of children in out-of-home care; (ii) preventing the reunification of children with their families; or (iii) in the case of youths not less than 16 years of age who have been placed in out-of-home care, preventing such youths from being discharged from such care into circumstances of providing their own support without adequate living arrangements.

(3) **COOPERATION WITH APPROPRIATE PUBLIC AND PRIVATE ENTITIES.**—The Secretary shall not make a grant under subsection (a) unless the agency involved has entered into agreements with appropriate entities in the geographic area involved (including child welfare

agencies, public housing agencies, and appropriate public and non-profit private entities that provide services to homeless families) regarding the joint planning, coordination and delivery of services under the grant.

(c) REQUIREMENT OF MATCHING FUNDS.—

(1) IN GENERAL.—The Secretary shall not make a grant under subsection (a) unless the agency involved agrees that, with respect to the costs to be incurred by such agency in carrying out the purpose described in such subsection, the agency will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than \$1 for each \$4 of Federal funds provided in such grant.

(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, shall not be included in determining the amount of such non-Federal contributions.

SEC. 302. PROVISIONS WITH RESPECT TO CARRYING OUT PURPOSE OF DEMONSTRATION GRANTS.

(a) JOINT TRAINING OF APPROPRIATE SERVICE PERSONNEL.—

(1) IN GENERAL.—The Secretary shall not make a grant under section 301(a) unless the agency involved agrees to establish, with respect to the subjects described in paragraph (2), a program for joint training concerning such subjects, for appropriate personnel of child welfare agencies, public housing agencies, and appropriate public and private entities that provide services to homeless families.

(2) SPECIFICATION OF TRAINING SUBJECTS.—The subjects referred to in paragraph (1) are—

(A) the relationship between homelessness, and other housing problems, and the initial and prolonged placement of children in out-of-home care;

(B) the housing-related needs of families with children who are at risk of placement in out-of-home care; and

(C) resources ( including housing-related assistance ) that are available to prevent the initial or prolonged placement in out-of-home care of children whose families are homeless or who have other housing problems.

(b) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to activities authorized in subsection (a), a grantee under section 301(a) may expend grant funds for—

(1) the hiring of additional personnel to provide assistance in obtaining appropriate housing—

(A) to families whose children are at imminent risk of placement in out-of-home care or who are awaiting the return of children placed in such care; and

(B) to youth who are preparing to be discharged from such care into circumstances of providing for their own support;

(2) training and technical assistance for the personnel of shelters and other programs for homeless families (including domestic violence shelters) to assist such programs—

(A) in the prevention and identification of child abuse and neglect among the families the programs served; and

(B) in obtaining appropriate resources for families who need social services, including supportive services and respite care;

(3) the development and dissemination of informational materials to advise homeless families with children and others who are seeking housing of resources and programs available to assist them; and

(4) other activities, if authorized by the Secretary, that are necessary to address housing problems that result in the inappropriate initial or prolonged placement of children in out-of-home care.

### SEC. 303. ADDITIONAL REQUIRED AGREEMENTS.

(a) **REPORTS TO SECRETARY.**—The Secretary shall not make a grant under section 301(a) unless the agency involved agrees that such agency will—

(1) annually prepare and submit to the Secretary a report describing the specific activities carried out by the agency under the grant; and

(2) include in the report submitted under paragraph (1), the results of an evaluation of the extent to which such activities have been effective in carrying out the purpose described in such section, including the effect of such activities regarding—

(A) the incidence of placements of children in out-of-home care;

(B) the reunification of children with their families; and

(C) in the case of youths not less than 16 years of age who have been placed in out-of-home care, the discharge of such youths from such care into circumstances of providing for their own support with adequate living arrangements.

(b) **EVALUATION BY THE SECRETARY.**—The Secretary shall conduct evaluations to determine the effectiveness of demonstration programs supported under section 301(a) in—

(1) strengthening coordination between child welfare agencies, housing authorities, and programs for homeless families;

(2) preventing placements of children into out-of-home care due to homelessness or other housing problems;

- (3) facilitating the reunification of children with their families; and
- (4) in the case of youths not less than 16 years old who have been placed in out-of-home care, preventing such youth from being discharged from such care into circumstances of providing their own support without adequate living arrangements .

(c) REPORT TO CONGRESS.—

(1) PREPARATION OF LIST.—Not later than April 1, 1991, the Secretary, after consultation with the Secretary of Education, the Secretary of Housing and Urban Development and the Secretary of Labor, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a list of Federal programs that provide services, or fund grants, contracts, or cooperative agreements for the provision of services, directed to the prevention of homelessness for families whose children are at risk of out of home placement and the incidence of child abuse that may be associated with homelessness, that shall include programs providing—

- (A) rent, utility, and other subsidies;
- (B) training; and
- (C) for inter-agency coordination, at both the local and State and Federal level.

(2) CONTENTS OF LIST.—The list prepared under paragraph (1) shall include a description of—

- (A) the appropriate citations relating to the authority for such programs;
- (B) entities that are eligible to participate in each such program;
- (C) authorization levels and the annual amounts appropriated for such programs for each fiscal year in which such programs were authorized;
- (D) the agencies and divisions administering each such program;
- (E) the expiration date of the authority of each such program; and
- (F) to the extent available, the extent to which housing assistance under such programs can be accessed by child welfare and other appropriate agencies.

(3) REPORT.—Not later than March 1, 1993, the Secretary shall prepare and submit to the appropriate committees of Congress a report that contains a description of the activities carried out under this title, and an assessment of the effectiveness of such programs in preventing initial and prolonged separation of children from their families due to homelessness and other housing problems. At a minimum the report shall contain—

- (A) information describing the localities in which activities are conducted;

(B) information describing the specific activities undertaken with grant funds and, where relevant, the numbers of families and children assisted by such activities;

(C) information concerning the nature of the joint training conducted with grant funds;

(D) information concerning the manner in which other agencies such as child welfare, public housing authorities, and appropriate public and nonprofit private entities are consulting and coordinating with existing programs that are designed to prevent homelessness and to serve homeless families and youth; and

(E) information concerning the impact of programs supported with grant funds under this title on—

(i) the incidence of the placement of children into out-of-home care;

(ii) the reunification of children with their families; and

(iii) in the case of youth not less than 16 years of age who have been placed in out-of-home care, the discharge of such youths from such care into circumstances of providing for their own support with adequate living arrangements.

(d) RESTRICTION ON USE OF GRANT.—The Secretary may not make a grant under section 301(a) unless the agency involved agrees that the agency will not expend the grant to purchase or improve real property.

#### SEC. 304. DESCRIPTION OF INTENDED USES OF GRANT.

The Secretary shall not make a grant under section 301(a) unless—

(1) the agency involved submits to the Secretary a description of the purposes for which the agency intends to expend the grant;

(2) with respect to the entities with which the agency has made agreements pursuant to section 301(b)(1), such entities have assisted the agency in preparing the description required in paragraph (1); and

(3) the description includes a statement of the methods that the agency will utilize in conducting the evaluations required in section 303(a)(2).

#### SEC. 305. REQUIREMENT OF SUBMISSION OF APPLICATION.

The Secretary shall not make a grant under section 301(a) unless an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in section 304, and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated \$12,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated under subsection (a) shall remain available until expended.

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*Note: Three additional provisions in P.L. 102-295, which are not to be codified in the basic CAPTA statute, are as follows:*

SEC. 114(d). DELAYED EFFECTIVE DATE FOR NEW REQUIREMENTS.—The amendments described in subsections (a) and (b) [sections describing development and operation of Child Abuse State grants, including the new State plan requirement under section 107 of the Act] are made upon the date of the enactment of this Act. Such amendments take effect on October 1, 1993, or on October 1 of the first fiscal year for which \$40,000,000 or more is made available under subsection (a)(2)(B)(ii) of section 114 of the Child Abuse Prevention and Treatment Act (as amended by section 117 of this Act), whichever occurs first. Prior to such amendments taking effect, section 107(a) of the Child Abuse Prevention and Treatment Act, as in effect on the day before the date of the enactment of this Act, continues to be in effect.

SEC. 117 (b). DELAYED EFFECTIVE DATE.—Paragraph (2) of section 114(a), as amended by subsection (a) of this section, shall become effective on October 1 of the first fiscal year for which \$30,000,000 or more would be available under subsection (a)(2)(B)(ii) of section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a), as in effect prior to amendment by such subsection (a)), shall continue in effect.

SEC. 142. REPORT CONCERNING VOLUNTARY REPORTING SYSTEM.—Not later than April 30, 1992, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 479 of the Social Security Act.