

Blue: Words Added

Red: Words Changed – the words in [ ] are what it used to say in 2003 CAPTA

- If there are words in red before the [ ], it means the words have been replaced.
- If there are no words in red before the [ ], it means the words in the [ ] have been removed.

Green: Preparer notes

## **Child Abuse Prevention and Treatment Act Changes to State Grant Eligibility from 2003 to 2010 Amendments**

### **TITLE I – GENERAL PROGRAM**

**Sec. 104. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS. [42 U.S.C. 5105]**

- **This section describes general categories the Secretary is permitted to award grants for and the explanations are narrowed in later sections.**

**SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS. [42 U.S.C. 5106a]**

**a. DEVELOPMENT AND OPERATION GRANTS.**—The Secretary shall make grants to the States, **from allotments made under subsection (f) for [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 services system of each such State in—

- Grants used to be awarded based on the population of minors in the State.
- (a) goes on to list all areas of services that this grant may go towards.

**b. ELIGIBILITY REQUIREMENTS.**—

**1. STATE PLAN.**—

**A. IN GENERAL.**—To be eligible to receive a grant under this section, **a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant. [a State shall, at the time of the initial grant application and every 5 years thereafter, prepare and submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) of this section that the State intends to address with amounts received under the grant.]** → Removed 5 year renewal requirement

**B. DURATION OF PLAN.**—Each State plan shall—

- i. remain in effect for the duration of the State’s participation under this section; and
  - ii. be periodically reviewed and revised as necessary by the State to reflect changes in the State’s strategies and programs under this section.
- State periodically reviews and resubmits as necessary instead of 5 yr requirement.

**C. ADDITIONAL INFORMATION.**—The State shall provide notice to the Secretary—

- i. of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

ii. of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities described in the current State application.

**Removed from 2003:** (B) ADDITIONAL REQUIREMENT.—After the submission of the initial grant application under subparagraph (A), the State shall provide notice to the Secretary—

- (i) of any substantive changes; and
- (ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.

2. CONTENTS.—A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amount received under the grant to achieve the objectives of this title, including—

A. an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;

(2) and (A) replaced. Originally it was: [COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—]

B. [A.] an assurance in the form of a certification by the Governor [chief executive officer] of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a statewide [Statewide] program, relating to child abuse and neglect that includes—

- i. provisions or procedures for an individual to report [the reporting of] known and suspected instances of child abuse and neglect, including a State law for mandatory reporting by individuals required to report such instances;
- ii. policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born with and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition of such infants, except that such notification shall not be construed to—
  - I. establish a definition under Federal law of what constitutes child abuse or neglect; or
  - II. require prosecution for any illegal action.
- iii. the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms, or Fetal Alcohol Spectrum Disorder;
- iv. procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports;
- v. triage procedures, including the use of differential response, for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;
- vi. procedures for immediate steps to be taken to ensure and protect the safety of a victim

of child abuse or neglect [the abused or neglected child] and of any other child under the same care who may also be in danger of child abuse or neglect and ensuring their placement in a safe environment;

vii. provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

viii. 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 requirements ensuring that reports and records made and maintained pursuant to the purposes of this title shall only be made available to—

I. individuals who are the subject of the report;

II. Federal, State, or local government entities, or any agent of such entities, as described in clause (ix);

III. child abuse citizen review panels;

IV. child fatality review panels;

V. a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

VI. other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

ix. provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect;

x. provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;

xi. the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse and [or] neglect;

xii. provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment;

xiii. provisions and procedures requiring that in every case involving a victim of child abuse or neglect [an abused or neglected child] which results in a judicial proceeding, a guardian ad litem who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings—

I. to obtain first-hand, a clear understanding of the situation and needs of the child; and

II. to make recommendations to the court concerning the best interests of the child;

xiv. the establishment of citizen review panels in accordance with subsection (c);

xv. provisions, procedures, and mechanisms—

- I. for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and
  - II. by which individuals who disagree with an official finding of **child** abuse or neglect can appeal such finding;
- xvi. provisions, procedures, and mechanisms that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—
- I. to have committed murder (which would have been an offense under section 1111(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
  - II. to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
  - III. to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; **[; or]**
  - IV. to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent;
  - V. to have committed sexual abuse against the surviving child or another child of such parent; or
  - VI. to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));
- xvii. an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xvi), conviction of any one of the felonies listed in clause (xvi) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (although case-by-case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);
- xviii. provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse **or [and]** neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;
- xix. provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;
- xx. provisions and procedures for improving the training, retention, and supervision of caseworkers;
- xxi. provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);
- xxii. **[not later than 2 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003]** provisions and procedures for requiring criminal background checks **that meet the requirements of section 471(a)(20) of the Social Security Act (42**

U.S.C. 671(a)(20) for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household; and

xxiii. provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;

C. (was B; lettering changed for rest of this section) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from **infants with disabilities who have [disabled infants with]** life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

i. coordination and consultation with individuals designated by and within appropriate health-care facilities;

ii. 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 **infants with disabilities who have [disabled infants with]** life-threatening conditions); and

iii. authority, under State law, for the State child protective services 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 **infants with disabilities who have [disabled infants with]** life-threatening conditions;

D. a description of—

i. the services to be provided under the grant to individuals, families, or communities, either directly or through referrals aimed at preventing the occurrence of child abuse and neglect;

ii. the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect; **[and]**

iii. the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect; **[and]**

iv. policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;

v. policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

vi. policies and procedures regarding the use of differential response, as applicable;

E. an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act [42 U.S.C. 621 et seq.] comply with the requirements set forth in paragraph (1) and this paragraph; **[.]**

F. an assurance or certification that programs and training conducted under this title address the

unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

G. an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.

3. LIMITATION.—With regard to clauses (vi) and (vii) of paragraph (2)(B) [(2)(A)], nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

4. DEFINITIONS.—For purposes of this subsection—

A. the term “near fatality” means an act that, as certified by a physician, places the child in serious or critical condition; and

B. the term “serious bodily injury” means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Nothing in subparagraph (B) [was (A)] shall be construed to limit the State’s flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and families;

**c. CITIZEN REVIEW PANELS.—**

**1. ESTABLISHMENT.—**

A. IN GENERAL.—Except as provided in subparagraph (B), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.

**B. EXCEPTIONS.—**

**i. ESTABLISHMENT OF PANELS BY STATES RECEIVING MINIMUM**

**ALLOTMENT.—**A State that receives the minimum allotment of \$175,000 under section 203(b)(1)(A) [42 U.S.C. 5116(b)(1)(A)] of this title for a fiscal year shall establish not less than 1 citizen review panel.

**ii. DESIGNATION OF EXISTING ENTITIES.—**A State may designate as panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

2. MEMBERSHIP.—Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect, **and may include adult former victims of child abuse or neglect.**

3. MEETINGS.—Each panel established pursuant to paragraph (1) shall meet not less than once every 3 months.

4. FUNCTIONS.—

A. IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the policies, procedures, and practices of State and local agencies and where appropriate, specific cases, evaluate the extent to which State and local child protection system agencies are effectively discharging their child protection responsibilities in accordance with—

- i. the State plan under subsection (b) of this section;
- ii. the child protection standards set forth in subsection (b) of this section; and
- iii. any other criteria that the panel considers important to ensure the protection of children, including—

- I. a review of the extent to which the State and local child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act [42 U.S.C. 670 et seq.]; and
- II. a review of child fatalities and near fatalities (as defined in subsection (b)(4) [of this section]).

B. CONFIDENTIALITY.—

- i. IN GENERAL.—The members and staff of a panel established under paragraph (1)—
  - I. shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and
  - II. shall not make public other information unless authorized by State statute.
- ii. CIVIL SANCTIONS.—Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

C. PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A).

5. STATE ASSISTANCE.—Each State that establishes a panel pursuant to paragraph (1)—

A. shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (4); and

B. shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

6. REPORTS.—Each panel established under paragraph (1) shall prepare and make available to the State and the public, on an annual basis, a report containing a summary of the activities of the panel and recommendations to improve the child protection services system at the State and local

levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to State and local child protection systems and the citizen review panel that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protection system.

**d. ANNUAL STATE DATA REPORTS.**—Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

1. The number of children who were reported to the State during the year as **victims of child abuse or neglect [abused or neglected]**.
2. Of the number of children described in paragraph (1), the number with respect to whom such reports were—
  - A. substantiated;
  - B. unsubstantiated; or
  - C. determined to be false.
3. Of the number of children described in paragraph (2)—
  - A. the number that did not receive services during the year under the State program funded under this section or an equivalent State program;
  - B. the number that received services during the year under the State program funded under this section or an equivalent State program; and
  - C. the number that were removed from their families during the year by disposition of the case.
4. The number of families that received preventive services, **including use of differential response**, from the State during the year.
5. The number of deaths in the State during the year resulting from child abuse or neglect.
6. Of the number of children described in paragraph (5), the number of such children who were in foster care.
7.
  - A. **The number of child protective service personnel responsible for the—**
    - i. **intake of reports filed in the previous year;**
    - ii. **screening of such reports;**
    - iii. **assessment of such reports; and**
    - iv. **investigation of such reports.**
  - B. **The average caseload for the workers described in subparagraph (A).**

[(7) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.] **7 completely replaced.**

8. The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

9. The response time with respect to the provision of services to families and children where an allegation of **child** abuse or neglect has been made.

10. For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

A. information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

B. data of the education, qualifications, and training of such personnel;

C. demographic information of the child protective service personnel; and

D. information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.

[(10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.] **10 completely replaced.**

11. The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse **or [and]** neglect, including the death of the child.

12. The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

13. The annual report containing the summary of activities of the citizen review panels of the State required by subsection (c)(6).

14. The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.

15. The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

16. The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

**e. ANNUAL REPORT BY SECRETARY.**—Within 6 months after receiving the State reports under subsection (d) of this section, the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse and neglect.

**f. ALLOTMENTS.**—

1. DEFINITIONS.—In this subsection:

A. FISCAL YEAR 2009 GRANT FUNDS.—The term ‘fiscal year 2009 grant funds’ means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

B. GRANT FUNDS.—The term ‘grant funds’ means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

C. STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

D. TERRITORY.—The term ‘territory’ means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

2. IN GENERAL.—Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—

A. \$50,000; and

B. an amount that bears the same relationship to any grant funds remaining after all such States and territories have received \$50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

3. ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

4. ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

A. MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATION YEARS.—In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

- i. \$100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000 but less than \$2,000,000;
- ii. \$125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$2,000,000 but less than \$3,000,000; and
- iii. \$150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$3,000,000.

**B. ALLOTMENT ADJUSTMENT.**—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the

Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

**5. HOLD HARMLESS.**—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.

## **Sec. 107. GRANTS TO STATES FOR PROGRAMS RELATING TO INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES. [42 U.S.C. 5106c]**

**a. GRANTS TO STATES.**—The Secretary, 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 assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;

2. the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;

[ (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; ] **1 and 2 replaced entirely**

3. the investigation and prosecution of cases of child abuse and neglect, including [particularly] child sexual abuse and exploitation; and

4. the assessment and investigation [handling] of cases involving children with disabilities or serious health-related problems who are suspected victims of child abuse [victims of abuse] or neglect.

**b. ELIGIBILITY REQUIREMENTS.**—In order for a State to qualify for assistance under this section, such State shall—

1. fulfill the requirements of section 106(b) [107(b)] [of this title];
2. establish a task force as provided in subsection (c) [of this section];
3. fulfill the requirements of subsection (d) [of this section];
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) of this section; 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) of this section.

**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;
- G. parents; [and]
- H. representatives of parents’ groups; [.]
- I. adult former victims of child abuse and or neglect; and
- J. individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).

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 purposes of this subsection.

**d. STATE TASK FORCE STUDY.**—Before a State receives assistance under this section, and 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, **including [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 **intrastate**, interstate, Federal-State, and State-Tribal; and

2. make policy and training recommendations in each of the categories described in subsection (e) of this section. 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, **including [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 **intrastate**, 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, **which may include those children involved in reports of child abuse or neglect with a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, from child abuse and neglect [from abuse], including [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.

## **Title II. Community-Based Grants for the Prevention of Child Abuse and Neglect**

### **Sec. 201. PURPOSE AND AUTHORITY. [42 U.S.C. 5116]**

**a. PURPOSE.**—It is the purpose of this title—

1. to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and

[to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and]

-Very similar

2. to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.

**b. AUTHORITY.**—The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity ( [hereafter] referred to in this title as the “lead entity”) under section 202(1) for the purpose of—

1. developing, operating, expanding, and enhancing community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect [through networks where appropriate] that are accessible, effective, culturally appropriate, and build on existing strengths that—

A. offer assistance to families;

B. provide early, comprehensive support for parents;

C. promote the development of parenting skills, especially in young parents and parents with very young children;

D. increase family stability;

E. improve family access to other formal and informal resources and opportunities for assistance available within communities, including access to such resources and opportunities for unaccompanied homeless youth;

F. support the additional needs of families with children with disabilities through respite care and other services;

G. demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out local programs funding under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and; [demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and;]

-Very Similar

H. provide referrals to early health and developmental services;

2. fostering the development of a continuum of preventive services for children and families, including unaccompanied homeless youth, through State and community-based collaborations and partnerships both public and private;

3. financing the start-up, maintenance, expansion, or redesign of specific community-based child abuse and neglect prevention program [family resource and support program] services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, substance abuse treatment services, domestic violence services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based child abuse and neglect prevention program [family resource and support program] to the extent practicable given funding levels and community priorities;

4. maximizing funding through leveraging of funds for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management and reporting, reporting and evaluation costs for establishing, operating, or expanding community-based and prevention-focused[,] programs and activities designed to strengthen and support families to prevent child abuse and neglect [through networks where appropriate]; and

5. financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

## **Sec. 202. ELIGIBILITY. [42 U.S.C. 5116a]**

A State shall be eligible for a grant under this title for a fiscal year if—

1.

A. the Governor [chief executive officer] of the State has designated a lead entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance, or expand community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect [(through networks where appropriate)];

B. such lead entity is an existing public, quasi-public, or nonprofit private entity (which may be an entity that has not been established pursuant to State legislation, executive order, or any other

written authority of the State that exists to strengthen and support families to prevent child abuse and neglect) with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

C. in determining which entity to designate under subparagraph (A), the **Governor [chief executive officer]** should give priority consideration equally to a trust fund advisory board of the State or to an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

D. in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this title (as such, title was in effect on the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the Governor shall designate the lead entity only after full consideration of the capacity and expertise of all entities desiring to be designated under subparagraph (A);

2. the **Governor [chief executive officer]** of the State provides assurances that the lead entity will provide or will be responsible for providing—

A. community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect **[(through networks where appropriate)]** composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, **adult former victims of child abuse and neglect**, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

B. direction through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, **adult former victims of child abuse and neglect**, public sector and private nonprofit sector service providers, and parents with disabilities; and

C. direction and oversight through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State, and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

3. the **Governor [chief executive officer]** of the State provides assurances that the lead entity—

A. has a demonstrated commitment to parental participation in the development, operation, and oversight of the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect **[(through networks where appropriate)]**;

B. has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect **[through networks where appropriate]**;

C. has the capacity to provide operational support (both financial and programmatic) training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect **[(through networks where appropriate)]**, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

D. will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities, parents with disabilities, and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

**Sec. 203. AMOUNT OF GRANT. [42 U.S.C. 5116b]**

**a. RESERVATION.**—The Secretary shall reserve 1 percent of the amount appropriated under section 5116i of this title for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

**b. REMAINING AMOUNTS.**—

**1. IN GENERAL.**—The Secretary shall allot the amount appropriated under section 5116i of this title for a fiscal year and remaining after the reservation under subsection (a) of this section among the States as follows:

A. **70-PERCENT.**—70 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the number of children under the age of 18 residing in the State bears to the total number of children under the age of 18 residing in all States (except that no State shall receive less than \$175,000 under this subparagraph).

B. **30-PERCENT.**—30 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the amount of private, State, or other non-Federal funds leveraged and directed through the currently designated State lead entity in the preceding fiscal year bears to the aggregate of the amounts leveraged by all States from private, State, or other non-Federal sources and directed through the current lead entity of such States in the preceding fiscal year.

**2. ADDITIONAL REQUIREMENTS.**—The Secretary shall provide allotments under paragraph (1) to the State lead entity.

**c. ALLOCATION.**—Funds allotted to a State under this section—

1. shall be for a 3-year period; and

2. shall be provided by the Secretary to the State on an annual basis, as described in subsection (b) of this section

**Sec. 204. APPLICATION. [42 U.S.C. 5116d]**

A grant may not be made to a State under this title unless an application therefore is submitted by the State to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section 202, including—

1. a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect which meets the requirements of section 202;

2. a description of how the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect will operate, including how community-based child abuse and neglect prevention [and how family resource and support] programs [services] provided by public and private, nonprofit organizations, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

3. a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;

4. a budget for the development, operation, and expansion of the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that verifies that the State will expend in non-Federal funds an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

5. an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;

6. a description of the State's [an assurance that the State has the] capacity to ensure the meaningful involvement of parents who are consumers [and], of family advocates, and of adult former victims of child abuse or neglect, who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

7. a description of the criteria that the entity will use to develop, or select and fund, community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect as part of network development, expansion, or enhancement;

8. a description of outreach activities that the entity and the community-based and prevention-focused programs [and activities] designed to strengthen and support families to prevent child abuse and neglect will undertake to maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, **unaccompanied homeless youth**, and members of other underserved or underrepresented groups;

9. a plan for providing operational support, training, and technical assistance to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect for development, operation, expansion and enhancement activities;

10. a description of how the applicant entity's activities and those of the network and its members (where appropriate) will be evaluated;

11. a description of the actions that the applicant entity will take to advocate systemic changes in State policies, practices, procedures, and regulations to improve the delivery of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect services to children and families; and

12. an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

**Sec. 205. LOCAL PROGRAM REQUIREMENTS. [42 U.S.C. 5116e]**

**a. IN GENERAL.**—Grants made under this title shall be used to develop, implement, operate, expand, and enhance community-based, and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that—

1. assess community assets and needs through a planning process that involves parents [and], local public agencies, local nonprofit organizations, and private sector representatives **in meaningful roles**;

2. develop **a comprehensive strategy to provide [a strategy to provide, over time,]** a continuum of preventive, family-centered services to children and families, especially to young parents, **to [and] parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect**, through public-private partnerships;

3.

**A. provide for core child abuse and neglect prevention services, which may be provided directed by the local recipient of the grant funds or through grants or agreements with other local agencies, such as—**

- i. parent education, mutual support and self help, and parent leadership services;**
- ii. respite care services;**
- iii. outreach and followup services, which may include voluntary home visiting services;**
- and**
- iv. community and social service referrals; and**

**[(3). provide—**

- (A) core family resource and support services such as—
- (i) parent education, mutual support and self help, and leadership services;
  - (ii) outreach services;
  - (iii) community and social service referrals; and
  - (iv) follow-up services;] **3(A) has been replaced.**

[(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including voluntary home visiting and all forms of respite care services to the extent practicable; and]

- This subparagraph has been removed

B. [C.] provide [access to optional services, including-]

- i. referral to and counseling for adoption services for individuals interested in adopting a child or relinquishing their child for adoption;
- ii. child care, early childhood **education and care [development]**, and intervention services;
- iii. referral to services and supports to meet the additional needs of families with children with disabilities **and parents who are individuals with disabilities**;
- iv. referral to job readiness services;
- v. referral to educational services, such as **academic tutoring [scholastic tutoring]**, literacy training, and General Educational Degree services;
- vi. self-sufficiency and life management skills training;
- vii. community referral services, including early developmental screening of children; **[and]**
- viii. peer counseling; and
- ix. **domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.**

4. develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

5. provide leadership in mobilizing local public and private resources to support the provision of needed **child abuse and neglect prevention [family resource and support]** program services; and

6. participate with other community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect in the development, operation, and expansion of networks where appropriate.

**b. PRIORITY.**—In awarding local grants under this title, a lead entity shall give priority to effective community-based programs serving low-income communities and those serving young parents or parents with young children, including community-based **child abuse and neglect prevention [family resource and support]** programs.

## **Sec. 206. PERFORMANCE MEASURES. [42 U.S.C. 5116f]**

A State receiving a grant under this title, through reports provided to the Secretary—

1. shall demonstrate the effective development, operation, and expansion of a community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that meets the requirements of this title;
2. shall supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202 [which description shall specify whether those services are supported by research](#);
3. shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under [section 204\(3\) \[section 205\(3\)\]](#);
4. shall describe the number of families served, including families with children with disabilities, and parents with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and in the design, operation, and evaluation of the networks of such community-based and prevention-focused programs;
5. shall demonstrate a high level of satisfaction among families who have used the services of the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;
6. shall demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local, and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion, and enhancement of the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;
7. shall describe the results of [evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes or the program \[a peer review process conducted under the State program\]](#); and
8. shall demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect.