CHAPTER 67—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM

SUBCHAPTER I—GENERAL PROGRAM

Sec.
5101. Office on Child Abuse and Neglect.
(a) Establishment.
(b) Purpose.
5102. Advisory board on child abuse and neglect.
(a) Appointment.
(b) Solicitation of nominations.
(c) Composition.
(d) Vacancies.
(e) Election of officers.
(f) Duties.
5103. Repealed.
5104. National clearinghouse for information relating to child abuse.
(a) Establishment.
(b) Functions.
(c) Coordination with available resources.
5105. Research and assistance activities.
(a) Research.
(b) Provision of technical assistance.
(c) Authority to make grants or enter into contracts.
(d) Peer review for grants.
5106. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.
(a) Demonstration programs and projects.
(b) Discretionary grants.
(c) Evaluation.
5106a. Grants to States for child abuse and neglect prevention and treatment programs.
(a) Development and operation grants.
(b) Eligibility requirements.
(c) Citizen review panels.
(d) Annual State data reports.
(e) Annual report by Secretary.
5106a–1, 5106b. Repealed.
5106c. Grants to States for programs relating to investigation and prosecution of child abuse and neglect cases.
(a) Grants to States.
(b) Eligibility requirements.
(c) State task forces.
(d) State task force study.
(e) Adoption of State task force recommendations.
(f) Funds available.
5106d. Miscellaneous requirements relating to assistance.
(a) Construction of facilities.
(b) Geographical distribution.
(c) Limitation.
5106e. Coordination of child abuse and neglect programs.
5106f. Reports.
(a) Coordination efforts.
(b) Effectiveness of State programs.
5106f–1. Report concerning voluntary reporting system.
5106g. Definitions.
5106h. Authorization of appropriations.
(a) In general.
(b) Availability of funds without fiscal year limitation.
5106i. Rule of construction.
(a) In general.
(b) State requirement.
5107. Discretionary programs; authorization of appropriations.

SUBCHAPTER II—ADOPTION OPPORTUNITIES

5111. Congressional findings and declaration of purpose.
(a) Findings.
(b) Purpose.
5112. Repealed.
5113. Information and service functions by appropriate administrative arrangement.
(a) Establishment in Department of Health and Human Services.
(b) Implementation authorities.
(c) Post legal adoption services.
(d) Placement of foster care children.
5114. Study and report of unlicensed or unregulated adoption placements.
5115. Authorization of appropriations.
5115a. Repealed.

SUBCHAPTER III—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

5116. Purpose and authority.
(a) Purpose.
(b) Authority.
5116a. Eligibility.
5116b. Amount of grant.
(a) Reservation.
(b) Remaining amounts.
(c) Allocation.
5116c. Existing grants.
(a) In general.
(b) Programs described.
5116d. Application.
5116e. Local program requirements.
(a) In general.
(b) Priority.
5116f. Performance measures.
5116g. National network for community-based family resource programs.
5116h. Definitions.
5116i. Authorization of appropriations.

SUBCHAPTER IV—TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES

5117 to 5117d. Repealed.

SUBCHAPTER V—CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS

5118 to 5118e. Repealed.

SUBCHAPTER VI—CHILD ABUSE CRIME INFORMATION AND BACKGROUND CHECKS

5119. Reporting child abuse crime information.
(a) In general.
(b) Provision of State child abuse crime records through national criminal history background check system.
(c) Liaison.
(d) Annual summary.
(e) Annual report.
(f) Study of child abuse offenders.
5119a. Background checks.
(a) In general.
(b) Guidelines.
(c) Regulations.
(d) Liability.
(e) Fees.
5119b. Funding for improvement of child abuse crime information.
(a) Omitted.
(b) Additional funding grants for improvement of child abuse crime information.
(c) Withholding State funds.
5119c. Definitions.

SUBCHAPTER I—GENERAL PROGRAM

CODIFICATION

This subchapter is comprised of title I of the Child Abuse Prevention and Treatment Act, Pub. L. 93–247.

Title II of that Act is classified to subchapter III (§ 5116 et seq.) of this chapter.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5116d of this title.

§ 5101. Office on Child Abuse and Neglect

(a) Establishment

The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

(b) Purpose

The purpose of the Office established under subsection (a) of this section shall be to execute and coordinate the functions and activities of this subchapter and subchapter III of this chapter. In the event that such functions and activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities.

(Pub. L. 93–247, title I, § 101, formerly § 2, Jan. 31, 1974, 88 Stat. 5; Pub. L. 93–644, § 8(d)(1), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95–266, title I, § 101, Apr. 24, 1978, 92 Stat. 205; Pub. L. 98–457, title I, § 101, Oct. 9, 1984, 98 Stat. 1749; Pub. L. 99–401, title I, § 103(a), Aug. 27, 1986, 100 Stat. 906; Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 103; renumbered title I, § 101, Pub. L. 101–126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; Pub. L. 104–235, title I, § 101, Oct. 3, 1996, 110 Stat. 3064.)

AMENDMENTS

1996—Pub. L. 104–235 amended section generally, substituting provisions relating to Office on Child Abuse and Neglect for provisions relating to National Center on Child Abuse and Neglect.

1988—Pub. L. 100–294 amended section generally, substituting provisions relating to establishment, appointment of Director, and other staff and resources of National Center on Child Abuse and Neglect for provisions relating to establishment, functions, grant and contract authority, staff and resource availability, and use of funds of National Center on Child Abuse and Neglect. See sections 5105 to 5106d of this title.

1986—Subsec. (b)(2). Pub. L. 99–401, § 103(a)(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3), (4). Pub. L. 99–401, § 103(a)(1), redesignated former pars. (2) and (3) as (3) and (4), respectively. Former par. (4) redesignated (6).

Subsec. (b)(5). Pub. L. 99–401, § 103(a)(3), added par. (5). Former par. (5) redesignated (7).

Subsec. (b)(6). Pub. L. 99–401, § 103(a)(1), redesignated former par. (4) as (6). Former par. (6) redesignated (8).

Subsec. (b)(7). Pub. L. 99–401, § 103(a)(1), (4), redesignated former par. (5) as (7) and amended it generally, substituting ''conduct research on the causes, prevention, identification, and treatment of child abuse and neglect, and on appropriate and effective investigative, administrative, and judicial procedures in cases of child abuse'' for ''conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof''. Former par. (7) redesignated (9).

Subsec. (b)(8), (9). Pub. L. 99–401, § 103(a)(1), redesignated former pars. (6) and (7) as (8) and (9), respectively.

Subsec. (b)(10). Pub. L. 99–401, § 103(a)(5), added par. (10).

1984—Subsec. (a). Pub. L. 98–457, § 101(a), substituted ''Health and Human Services'' for ''Health, Education, and Welfare''.

Subsec. (b)(6). Pub. L. 98–457, § 101(b), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''make a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity; and''.

Subsec. (b)(7). Pub. L. 98–457, § 101(b), amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''in consultation with Federal agencies serving on the Advisory Board on Child Abuse and Neglect (established by section 5105 of this title), prepare a comprehensive plan for seeking to bring about maximum coordination of the goals, objectives, and activities of all 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 twelve months after April 24, 1978.''

Subsec. (c). Pub. L. 98–457, § 101(c), substituted ''The functions of the Secretary under subsection (b) of this section may be carried out'' for ''The Secretary may carry out his functions under subsection (b) of this section''.

Subsec. (e). Pub. L. 98–457, § 101(d), added subsec. (e).

1978—Subsec. (b). Pub. L. 95–266, § 101(1), in pars. (1) and (3) inserted requirement of dissemination of annual summary and training materials, respectively, and added par. (7).

Subsec. (c). Pub. L. 95–266, § 101(2), inserted provisions relating to duration and review of grants under subsec. (b)(5) of this section.

Subsec. (d). Pub. L. 95–266, § 101(3), added subsec. (d).

1975—Subsec. (c). Pub. L. 93–644 added subsec. (c).

SHORT TITLE OF 1996 AMENDMENT

Section 1(a) of Pub. L. 104–235 provided that: ''This Act [enacting sections 5106i and 5116 to 5116i of this title, amending this section and sections 5102, 5104 to 5106, 5106a, 5106c to 5106f, 5106g to 5106i, 5111, 5113, 5115, 5777, 10402, 10403, 10409, 10603a, and 13004 of this title, repealing sections 5103, 5106b, 5117 to 5117d, 5118 to 5118e, 5778, and 11481 to 11489 of this title, amending provisions set out as notes under this section and section 670 of this title, and repealing provisions set out as notes under section 5117 of this title] may be cited as the 'Child Abuse Prevention and Treatment Act Amendments of 1996'.''

SHORT TITLE OF 1994 AMENDMENT

For short title of subpart 1 of part E of title V of Pub. L. 103–381, which enacted section 5115a of this title, as the ''Howard M. Metzenbaum Multiethnic Placement Act of 1994'', see section 551 of Pub. L. 103–382, set out as a Short Title note under section 5115a of this title.

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–209, § 1, Dec. 20, 1993, 107 Stat. 2490, provided that: ''This Act [enacting sections 5119 to 5119c of this title and amending section 3759 of this title] may be cited as the 'National Child Protection Act of 1993'.''

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–295, § 1(a), May 28, 1992, 106 Stat. 187, provided that: ''This Act [enacting sections 5106f–1, 10414, and 10415 of this title, amending sections 5102, 5105, 5106, 5106a, 5106a–1, 5106c, 5106h, 5111, 5113, 5115, 5116, 5116b to 5116d, 5117c, 5117d, 5118e, 10401 to 10405, 10407 to 10410, 10412, and 10413 of this title, repealing section 5112 of this title, and enacting provisions set out as notes under this section and sections 5106a, 5106h, 5117, 10401, and 10402 of this title] may be cited as the 'Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992'.''

SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101–126 provided that: ''This Act [amending this section and sections 5102 to 5106h and

5116 to 5116g of this title and enacting provisions set out as notes under section 5102 and 5116b of this title] may be cited as the 'Child Abuse Prevention Challenge Grants Reauthorization Act of 1989'.''

SHORT TITLE OF 1988 AMENDMENT

Section 1 of Pub. L. 100–294 provided that: ''This Act [enacting sections 5106a to 5106h and 10413 of this title, amending this section and sections 5102 to 5106, 5113, 5115, 10402, 10409, and 10410 of this title, repealing section 10411 of this title, and enacting provisions set out as notes under this section and section 5105 of this title] may be referred to as the 'Child Abuse Prevention, Adoption, and Family Services Act of 1988'.''

SHORT TITLE OF 1986 AMENDMENT

Section 1 of Pub. L. 99–401 provided that: ''This Act [enacting subchapter IV of this chapter and section 10603a of this title, amending this section and sections 290dd–3, 290ee–3, 5103, 5105, 10601, and 10603 of this title, and enacting provisions set out as notes under this section and section 5117 of this title] may be cited as the 'Children's Justice and Assistance Act of 1986'.''

Section 101 of title I of Pub. L. 99–401 provided that: ''This title [enacting section 10603a of this title, amending this section and sections 290dd–3, 290ee–3, 5103, 5105, 10601, and 10603 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Children's Justice Act'.''

For short title of title II of Pub. L. 99–401, which enacted subchapter IV of this chapter, as the ''Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986'', see section 201 of Pub. L. 99–401, set out as a Short Title note under section 5117 of this title.

SHORT TITLE OF 1984 AMENDMENT

Section 1 of Pub. L. 98–457 provided: ''That this Act [enacting chapter 110 of this title, amending this section and sections 5102 to 5106, 5111 to 5113, and 5115 of this title, and enacting provisions set out as notes under this section and sections 5102, 5103, and 10401 of this title] may be cited as the 'Child Abuse Amendments of 1984'.''

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95–266 provided: ''That this Act [enacting subchapter II of this chapter and amending this section and sections 5102 to 5105 of this title] may be cited as the 'Child Abuse Prevention and Treatment and Adoption Reform Act of 1978'.''

SHORT TITLE

Section 1(a), formerly §1, of Pub. L. 93–247, as renumbered §1(a) and amended by Pub. L. 100–294, title I, §101, Apr. 25, 1988, 102 Stat. 102, provided that: ''This Act [enacting this subchapter and subchapters III and V of this chapter] may be cited as the 'Child Abuse Prevention and Treatment Act'.''

REGULATIONS

Section 401(a) of Pub. L. 100–294 provided that: ''For any rule or regulation needed to implement this Act [see Short Title of 1988 Amendment note above], the Secretary of Health and Human Services shall—

''(1) publish proposed regulations for purposes of implementing the amendments made by this Act before the expiration of the 90-day period beginning on the date of the enactment of this Act [Apr. 25, 1988];

''(2) allow not less than 45 days for public comment on such proposed regulations; and

''(3) publish final regulations for purposes of implementing the amendments made by this Act before the end of the 195-day period beginning on the date of the enactment of this Act.''

CONSTRUCTION OF CHILD ABUSE AMENDMENTS OF 1984 WITH OTHER LAWS; SEPARABILITY

Section 127 of Pub. L. 98–457 provided that:

''(a) No provision of this Act or any amendment made by this Act [See Short Title of 1984 Amendment note above] is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794].

''(b) No provision of this Act or any amendment made by this Act may be so construed as to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

''(c) If the provisions of any part of this Act or any amendment made by this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.''

PRESIDENTIAL COMMISSION ON CHILD AND YOUTH DEATHS

Section 106 of Pub. L. 100–294 established a National Commission on Child and Youth Deaths to study and evaluate comprehensively Federal, State, and local public and private resources which affect child and youth deaths and to prepare and transmit to President and appropriate committees of Congress a report within 12 months after appointment of the Commission, and provided that the Commission terminates 90 days after transmitting the report.

ACQUISITION OF STATISTICAL DATA

Section 105 of Pub. L. 99–401 provided that:

''(a) DATA ACQUISITION FOR 1987 AND 1988.—The Attorney General shall acquire from criminal justice agencies statistical data, for the calendar years 1987 and 1988, about the incidence of child abuse, including child sexual abuse, and shall publish annually a summary of such data.

''(b) MODIFICATION OF UNIFORM CRIME REPORTING PROGRAM.—(1) As soon as practicable, but in no case later than January 1, 1989, the Attorney General shall modify the uniform crime reporting program in the Federal Bureau of Investigation to include data on the age of the victim of the offense and the relationship, if any, of the victim to the offender, for types of offenses that may involve child abuse, including child sexual abuse.

''(2) The modification, once made, shall remain in effect until the later of—

''(A) 10 years after the date it is made; or

''(B) such ending date as may be set by the Attorney General.''

CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 93–247, as added by Pub. L. 102–295, title I, §102(a), May 28, 1992, 106 Stat. 188, and amended by Pub. L. 104–235, title I, §100, Oct. 3, 1996, 110 Stat. 3064, provided that: ''Congress finds that—

''(1) each year, close to 1,000,000 American children are victims of abuse and neglect;

''(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, assessment, 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 thousands of children and results in a cost to the Nation of billions of dollars in tangible expenditures, as well as significant intangible costs;

''(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 prevent 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, safety, 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 assist States and communities with the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child and family protection strategy;

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

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

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

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

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

''(E) helping communities to carry out their child and family 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.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5107 of this title.

§ 5102. Advisory board on child abuse and neglect

(a) Appointment

The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

(b) Solicitation of nominations

The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a) of this section.

(c) Composition

In establishing the board under subsection (a) of this section, the Secretary shall appoint members from the general public who are individuals knowledgeable 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—

(1) law (including the judiciary);

(2) psychology (including child development);

(3) social services (including child protective services);

(4) medicine (including pediatrics);

(5) State and local government;

(6) organizations providing services to disabled persons;

(7) organizations providing services to adolescents;

(8) teachers;

(9) parent self-help organizations;

(10) parents' groups;

(11) voluntary groups;

(12) family rights groups; and

(13) children's rights advocates.

(d) Vacancies

Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

(e) Election of officers

The board shall elect a chairperson and vice-chairperson at its first meeting from among the members of the board.

(f) Duties

Not later than 1 year after the establishment of the board under subsection (a) of this section, the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing—

(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and

(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare.

(Pub. L. 93–247, title I, § 102, formerly § 3, Jan. 31, 1974, 88 Stat. 5; Pub. L. 95–266, title I, § 102, Apr. 24, 1978, 92 Stat. 206; Pub. L. 98–457, title I, §§ 102, 121, Oct. 9, 1984, 98 Stat. 1750, 1752; Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 103; renumbered title I, § 102, and amended Pub. L. 101–126, § 3(a)(1), (2), (b)(1), Oct. 25, 1989, 103 Stat. 764; Pub. L. 102–295, title I, § 111, May 28, 1992, 106 Stat. 190; Pub. L. 104–235, title I, § 102, Oct. 3, 1996, 110 Stat. 3065.)

AMENDMENTS

1996—Pub. L. 104–235 amended section generally, substituting present provisions for provisions which related to appointment of Advisory Board on Child Abuse and Neglect in subsec. (a); solicitation of nominations in subsec. (b); composition of Advisory Board in subsec. (c); election of officers in subsec. (d); meetings in subsec. (e); duties in subsec. (f); compensation in subsec. (g); and authorization of appropriations in subsec. (h).

1992—Subsec. (f)(4). Pub. L. 102–295, § 111(a), added par. (4).

Subsec. (h). Pub. L. 102–295, § 111(b), added subsec. (h).

1989—Subsecs. (c)(1)(A), (e), (f)(2)(E). Pub. L. 101–126, § 3(b)(1), made technical amendments to references to sections 5103, 5105, and 5106 of this title to reflect renumbering of corresponding sections of original act.

1988—Pub. L. 100–294 amended section generally, substituting provisions relating to Advisory Board on Child Abuse and Neglect for provisions relating to definitions. See section 5106g of this title.

1984—Cl. (1). Pub. L. 98–457, § 121(1), designated provisions after opening phrase as cl. (1).

Pub. L. 98–457, § 102(1), inserted ''(including any employee of a residential facility or any staff person providing out-of-home care)''.

Cl. (2). Pub. L. 98–457, § 102(2), (3), added cl. (2).

Cl. (3). Pub. L. 98–457, § 121(2), (3), added cl. (3).

1978—Pub. L. 95–266 inserted ''or exploitation'' after ''sexual abuse'' and '', or the age specified by the child protection law of the State in question,'' after ''eighteen''.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 8 of Pub. L. 101–126 provided that: ''This Act and the amendments made by this Act [see Short Title of 1989 Amendment note set out under section 5101 of this title] shall take effect October 1, 1989, or upon the date of the enactment of this Act [Oct. 25, 1989], whichever occurs later.''

EFFECTIVE DATE OF 1984 AMENDMENT

Section 128 of Pub. L. 98–457 provided that:

''(a) Except as provided in subsection (b), the provisions of this part or any amendment made by this part [part B (§§ 121–128) of title I of Pub. L. 98–457, amending this section and section 5103 of this title and enacting provisions set out as notes under sections 5101 and 5103 of this title] shall be effective on the date of the enactment of this Act [Oct. 9, 1984].

''(b)(1) Except as provided in paragraph (2), the amendments made by sections 122 and 123(b) of this Act [amending section 5103 of this title] shall become effective one year after the date of such enactment [Oct. 9, 1984].

''(2) In the event that, prior to such effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) [section 5104 of this title] for the purpose of grants under section 4(c)(1) of the Act (as added by section 123(a) of this Act) [section 5103(c)(1) of this title], any State which has not met any requirement of section 4(b)(2)(K) of the Act (as added by section 122(3) of this Act) may be granted a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good-faith effort to comply with such requirements.''

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of its establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the end of such period, or in the case of a board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5103. Repealed. Pub. L. 104–235, title I, § 103, Oct. 3, 1996, 110 Stat. 3066

Section, Pub. L. 93–247, title I, § 103, formerly § 4, Jan. 31, 1974, 88 Stat. 5; Pub. L. 93–644, § 8(d)(2), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95–266, title I, § 103, Apr. 24, 1978, 92 Stat. 206; Pub. L. 98–457, title I, §§ 103, 122, 123, Oct. 9, 1984, 98 Stat. 1750, 1752, 1753; Pub. L. 99–401, title I, § 102(a), Aug. 27, 1986, 100 Stat. 903; Pub. L. 100–117, § 1, Sept. 28, 1987, 101 Stat. 751; Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 105; renumbered title I, § 103, Pub. L. 101–126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764, related to the Inter-Agency Task Force on Child Abuse and Neglect.

§ 5104. National clearinghouse for information relating to child abuse

(a) Establishment

The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.

(b) Functions

The Secretary shall, through the clearinghouse established by subsection (a) of this section—

(1) maintain, coordinate, and disseminate information on all programs, including private programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect; and

(2) maintain and disseminate information relating to—

(A) the incidence of cases of child abuse and neglect in the United States;

(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; and

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

(c) Coordination with available resources

(1) In general

In establishing a national clearinghouse as required by subsection (a) of this section, the Secretary shall—

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

(B) consult with the head of each agency involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses on the development of the components for information collection and management of such clearinghouse;

(C) develop a Federal data system involving the elements under subsection (b) of this section which, to the extent practicable, coordinates existing Federal, State, regional, and local child welfare data systems which shall include—

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

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

(D) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific and integrated with other case-based foster

care and adoption data collected by the Secretary;

(E) compile, analyze, and publish a summary of the research conducted under section 5105(a)[1] of this title; and

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

(2) Confidentiality requirement

In carrying out paragraph (1)(D), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data.

(Pub. L. 93–247, title I, § 103, formerly § 5, Jan. 31, 1974, 88 Stat. 7; Pub. L. 95–266, title I, § 104, Apr. 24, 1978, 92 Stat. 206; Pub. L. 98–457, title I, § 104, Oct. 9, 1984, 98 Stat. 1751; Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 105; renumbered title I, § 104, and amended Pub. L. 101–126, §§ 3(a)(1), (2), (b)(2), 6, Oct. 25, 1989, 103 Stat. 764, 765, 768; renumbered § 103 and amended Pub. L. 104–235, title I, §§ 104, 113(a)(1)(A), Oct. 3, 1996, 110 Stat. 3066, 3079.)

REFERENCES IN TEXT

Section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988, referred to in subsec. (b)(2)(B), is section 105(a)(1) of Pub. L. 100–294, which is set out as a note under section 5105 of this title.

Section 5105(a) of this title, referred to in subsec. (c)(1)(E), was in the original a reference to section 105(a), meaning section 105(a) of Pub. L. 93–247 which was renumbered section 104 by Pub. L. 104–235, title I, § 113(a)(1)(A), Oct. 3, 1996, 110 Stat. 3079. Section 106 of Pub. L. 93–247 was renumbered section 105 and is classified to section 5106 of this title.

PRIOR PROVISIONS

A prior section 103 of Pub. L. 93–247 was classified to section 5103 of this title prior to repeal by Pub. L. 104–235.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–235, § 104(1), amended heading and text generally. Prior to amendment, text read as follows: ''Before the end of the 2-year period beginning on April 25, 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.''

Subsec. (b). Pub. L. 104–235, § 104(2)(A), substituted ''Secretary'' for ''Director'' in introductory provisions.

Subsec. (b)(1). Pub. L. 104–235, § 104(2)(B)(ii), which directed striking out '', including'' and all that followed and inserting ''; and'', was executed to reflect the probable intent of Congress by substituting ''; and'' for '', including the information provided by the National Center for Child Abuse and Neglect under section 5105(b) of this title;'' which was all that followed '', including'' the second place it appeared.

Pub. L. 104–235, § 104(2)(B)(ii), inserted ''assessment,'' after ''prevention,''.

Subsec. (b)(2). Pub. L. 104–235, § 104(2)(C), substituted ''United States'' for ''general population'' in subpar. (A) and struck out subpar. (D) which read as follows: ''State and local recordkeeping with respect to such cases; and''.

Subsec. (b)(3). Pub. L. 104–235, § 104(2)(D), struck out par. (3) which read as follows: ''directly or through contract, identify effective programs carried out by the States pursuant to subchapter III of this chapter and provide technical assistance to the States in the implementation of such programs.''

Subsec. (c)(1). Pub. L. 104–235, § 104(3)(A), designated existing provisions as par. (1), inserted heading, and substituted ''Secretary'' for ''Director'' in introductory provisions. Former par. (1) redesignated (1)(A).

Subsec. (c)(1)(A). Pub. L. 104–235, § 104(3)(B), redesignated par. (1) as (1)(A) and realigned margin.

Subsec. (c)(1)(B). Pub. L. 104–235, § 104(3)(B), (C), redesignated par. (2) as (1)(B), realigned margin, and substituted ''involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses'' for ''that is represented on the task force''.

Subsec. (c)(1)(C). Pub. L. 104–235, § 104(3)(B), (C), redesignated par. (3) as (1)(C), realigned margin, and substituted ''Federal, State, regional, and local child welfare data systems which shall include—

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

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

for ''State, regional, and local data systems; and''.

Subsec. (c)(1)(D). Pub. L. 104–235, § 104(3)(F), added subpar. (D). Former subpar. (D) redesignated (F).

Pub. L. 104–235, § 104(3)(B), redesignated par. (4) as (1)(D) and realigned margin.

Subsec. (c)(1)(E). Pub. L. 104–235, § 104(3)(F), added subpar. (E).

Subsec. (c)(1)(F). Pub. L. 104–235, § 104(3)(E), redesignated subpar. (D) as (F).

Subsec. (c)(2). Pub. L. 104–235, § 104(3)(G), added par. (2). Former par. (2) redesignated (1)(B).

Subsec. (c)(3), (4). Pub. L. 104–235, § 104(3)(B), redesignated pars. (3) and (4) as (1)(C) and (1)(D), respectively.

1989—Subsec. (b)(1). Pub. L. 101–126, § 3(b)(2)(A), made technical amendment to reference to section 5105(b) of this title to reflect renumbering of corresponding section of original act.

Subsec. (b)(2)(B). Pub. L. 101–126, § 3(b)(2)(B), inserted ''of the Child Abuse Prevention, Adoption, and Family Services Act of 1988'' after ''section 105(a)(1)''.

Subsec. (b)(3). Pub. L. 101–126, § 6, added par. (3).

1988—Pub. L. 100–294 amended section generally, substituting provisions relating to national clearinghouse for information relating to child abuse for provisions relating to authorization of appropriations and funding requirements for child abuse and neglect and sexual abuse programs and projects. See section 5106h of this title.

1984—Pub. L. 98–457, § 104(a), struck out designation ''(a)'' before ''There are hereby authorized'', inserted provisions authorizing appropriations of $33,500,000 for fiscal year 1984, $40,000,000 for fiscal year 1985, $41,500,000 for fiscal year 1986, and $43,100,000 for fiscal year 1987, and substituted ''this section except as provided in the succeeding sentence, (A) not less than $9,000,000 shall be available in each fiscal year to carry out section 5103(b) of this title (relating to State grants), (B) not less than $11,000,000 shall be available in each fiscal year to carry out sections 5103(a) (relating to demonstration or service projects), 5101(b)(1) and 5101(b)(3) (relating to information dissemination), 5101(b)(5) (relating to research), and 5103(c)(2) (relating to training, technical assistance, and information dissemination) of this title, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstated [sic] effectiveness, (C) $5,000,000 shall be available in each such year for grants and contracts under section 5103(a) of this title for identification, treatment, and prevention of sexual abuse, and (D) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 5103(c)(1) of this title. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, funds shall first be available as provided in clauses (A) and (B) in the preceding sentence and of the remainder one-half shall be available as provided for in clause (C) and one-half as provided for in clause (D) in the preceding sen-

[1] See References in Text note below.

tence'' for ''this section, not less than 50 per centum shall be used for making grants or contracts under sections 5101(b)(5) of this title (relating to research) and 5103(a) of this title (relating to demonstration or service projects), giving special consideration to continued Federal funding of child abuse and neglect programs or projects (previously funded by the Department of Health, Education, and Welfare) of national or regional scope and demonstrated effectiveness, of not less than 25 per centum shall be used for making grants or contracts under section 5103(b)(1) of this title (relating to grants to States) for the fiscal years ending September 30, 1978, and September 30, 1979, respectively, and not less than 30 per centum shall be used for making grants or contracts under section 5103(b)(1) of this title (relating to grants to States) for each of the fiscal years ending September 30, 1980, and September 30, 1981, respectively''.

Pub. L. 98–457, § 104(b), struck out subsec. (b) which authorized appropriations for fiscal years ending Sept. 30, 1978, Sept. 30, 1979, Sept. 30, 1980, and Sept. 30, 1981, respectively, for purpose of making grants and entering into contracts for programs and projects designed to prevent, identify, and treat sexual abuse of children.

1978—Pub. L. 95–266 designated existing provisions as subsec. (a), inserted provisions authorizing appropriations for fiscal year ending Sept. 30, 1978, through fiscal year ending Sept. 30, 1981, and provisions setting forth funding requirements for child abuse and neglect programs and projects, and added subsec. (b).

Subsec. (c)(3), (4). Pub. L. 104–235, § 104(3)(B), redesignated pars. (3) and (4) as (1)(C) and (1)(D), respectively.

§ 5105. Research and assistance activities

(a) Research

(1) Topics

The Secretary shall, in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on—

(A) the nature and scope of child abuse and neglect;

(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;

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

(D) 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 incidence of substantiated and unsubstantiated reported child abuse cases;

(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

(v) the extent to which the lack of adequate resources and the lack of adequate training of individuals required by law to report suspected cases of child abuse have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

(viii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

(ix) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system.

(2) Priorities

(A) The Secretary shall establish research priorities for making grants or contracts for purposes of carrying out paragraph (1).

(B) In establishing research 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) Provision of technical assistance

(1) In general

The Secretary shall provide technical assistance to State and local public and nonprofit 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, assessment, identification, and treatment of child abuse and neglect.

(2) Evaluation

Such technical assistance may include an evaluation or identification of—

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

(B) ways to mitigate psychological trauma to the child victim; and

(C) effective programs carried out by the States under this subchapter and subchapter III of this chapter.

(3) Dissemination

The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to—

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

(B) appropriate State and local officials to assist in training law enforcement, legal, ju-

dicial, medical, mental health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.

(c) 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.

(3) Preference for long-term studies

In making grants for purposes of conducting research under subsection (a) of this section, the Secretary shall give special consideration to applications for long-term projects.

(d) Peer review for grants

(1) Establishment of peer review process

(A) The Secretary shall, in consultation with experts in the field and other federal[1] agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for grants under this section and determining the relative merits of the projects for which such assistance is requested. The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.

(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 Administration on Children and Families. 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. The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.

(2) Review of applications for assistance

Each peer review panel established under paragraph (1)(A) that reviews any application for a grant 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.

The Secretary shall award grants under this section on the basis of competitive review.

(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 paragraph (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 paragraph (2)(B).

(Pub. L. 93–247, title I, § 104, formerly § 6, Jan. 31, 1974, 88 Stat. 7; Pub. L. 95–266, title I, § 105, Apr. 24, 1978, 92 Stat. 207; Pub. L. 98–457, title I, § 105, Oct. 9, 1984, 98 Stat. 1751; Pub. L. 99–401, title I, § 104, Aug. 27, 1986, 100 Stat. 906; Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 106; renumbered title I, § 105, and amended Pub. L. 101–126, § 3(a)(1), (2), (b)(3), Oct. 25, 1989, 103 Stat. 764, 765; Pub. L. 102–295, title I, §§ 112, 141(5), May 28, 1992, 106 Stat. 190, 200; renumbered § 104 and amended Pub. L. 104–235, title I, §§ 105, 113(a)(1)(A), Oct. 3, 1996, 110 Stat. 3067, 3079.)

PRIOR PROVISIONS

A prior section 104 of Pub. L. 93–247 was renumbered section 103 and is classified to section 5104 of this title.

AMENDMENTS

1996—Pub. L. 104–235, § 105(f), struck out ''of the National Center on Child Abuse and Neglect'' after ''activities'' in section catchline.

Subsec. (a)(1). Pub. L. 104–235, § 105(a)(1)(A), in introductory provisions, substituted '', in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on'' for '', through the Center, conduct research on''.

Subsec. (a)(1)(A). Pub. L. 104–235, § 105(a)(1)(C), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (a)(1)(B). Pub. L. 104–235, § 105(a)(1)(B), (D), redesignated subpar. (A) as (B) and amended it generally. Prior to amendment, subpar. (B) read as follows: ''the causes, prevention, identification,, treatment and cultural distinctions of child abuse and neglect;''. Former subpar. (B) redesignated (C).

Subsec. (a)(1)(C). Pub. L. 104–235, § 105(a)(1)(B), redesignated subpar. (B) as (C). Former subpar. (C) redesignated (D).

Subsec. (a)(1)(D). Pub. L. 104–235, § 105(a)(1)(B), (E), redesignated subpar. (C) as (D), struck out cl. (ii), redesignated cl. (iii) as (ii) and amended it generally, and added cls. (iii) to (ix). Prior to amendment, cls. (ii) and (iii) read as follows:

''(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.''

[1] So in original. Probably should be capitalized.

Subsec. (a)(2). Pub. L. 104–235, §105(a)(2), struck out ''and demonstration'' after ''research'', substituted ''paragraph (1)'' for ''paragraph (1)(A) and activities under section 5106 of this title'' in subpar. (A) and struck out ''and demonstration'' after ''research'' in introductory provisions of subpar. (B).

Subsec. (b). Pub. L. 104–235, §105(b), (c), redesignated subsec. (c) as (b)(1), inserted par. heading, struck out '', through the Center,'' after ''Secretary shall'', inserted ''State and local'' before ''public and nonprofit'' and ''assessment,'' before ''identification'', added pars. (2) and (3), and struck out heading and text of former subsec. (b) consisting of pars. (1) to (5) which related to publication and dissemination of information.

Subsec. (c). Pub. L. 104–235, §105(d), redesignated subsec. (d) as (c) and in par. (2) struck out at end ''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.'' Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 104–235, §105(e), redesignated subsec. (e) as (d), in par. (1)(A) substituted '', in consultation with experts in the field and other federal agencies, establish a formal, rigorous, and meritorious'' for ''establish a formal'', struck out ''and contracts'' after ''for grants'', and inserted at end ''The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.'', in par. (1)(B) substituted ''Administration on Children and Families'' for ''Office of Human Development'' and inserted at end ''The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.'', in par. (2) struck out '', contract, or other financial assistance'' after ''grant'' in introductory provisions and inserted ''The Secretary shall award grants under this section on the basis of competitive review.'' as concluding provisions, and in par. (3)(B) substituted ''paragraph (2)(B)'' for ''subsection (e)(2)(B) of this section'' in two places. Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 104–235, §105(e)(1), redesignated subsec. (e) as (d).

1992—Subsec. (a)(1)(A). Pub. L. 102–295, §112(a)(1), substituted '', treatment and cultural distinctions of'' for ''and treatment of''.

Subsec. (a)(1)(B). Pub. L. 102–295, §112(a)(2), substituted ''appropriate, effective and culturally sensitive'' for ''appropriate and effective''.

Subsec. (a)(1)(C)(ii). Pub. L. 102–295, §§112(a)(3), 141(5), substituted ''child support, cultural diversity, disabilities'' for ''child support, handicaps''.

Subsec. (b)(1). Pub. L. 102–295, §112(b), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''as a part of research activities establish a national data collection and analysis program, which, to the extent practical, coordinates existing State child abuse and neglect reports and which shall include—

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

''(B) information on the number of deaths due to child abuse and neglect;''.

Subsec. (c). Pub. L. 102–295, §141(5), substituted ''disabilities'' for ''handicaps''.

Subsec. (e)(1)(A). Pub. L. 102–295, §112(c)(1)(A), inserted ''and reviewing'' after ''evaluating''.

Subsec. (e)(1)(B). Pub. L. 102–295, §112(c)(1)(B), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''Members of peer review panels shall be appointed by the Secretary from among individuals who are not officers or employees of the Office of Human Development Services. In making appointments to such panels, the Secretary shall include only experts in the field of child abuse and neglect.''

Subsec. (e)(2)(A). Pub. L. 102–295, §112(c)(2)(A), inserted ''and evaluate'' after ''determine''.

Subsec. (e)(2)(C). Pub. L. 102–295, §112(c)(2)(B), added subpar. (C).

Subsec. (e)(3)(A). Pub. L. 102–295, §112(c)(3), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''At the end of each application process, the Secretary shall make available upon request, no later than 14 days after the request, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate the list which identifies all applications reviewed by such panel and arranges such applications according to rank determined under paragraph (2) and a list of all applications funded.''

1989—Subsecs. (a)(2)(A), (b)(3). Pub. L. 101–126, §3(b)(3), made technical amendments to references to sections 5104, 5106, and 5106c of this title to reflect renumbering of corresponding sections of original act.

1988—Pub. L. 100–294 amended section generally, substituting provisions relating to research and assistance activities of the National Center on Child Abuse and Neglect for provisions relating to Advisory Board on Child Abuse and Neglect. See section 5102 of this title.

1986—Subsec. (a). Pub. L. 99–401, §104(1), inserted after first sentence ''The Advisory Board shall meet at least every six months.''

Pub. L. 99–401, §104(2), which directed that subsec. (a) be amended by inserting ''in order to prevent unnecessary duplication of such programs, to ensure efficient allocation of resources, and to assure that programs effectively address all aspects of the child abuse problem'' after ''Board'' in second sentence, was executed by inserting provision after ''Advisory Board'' the first time that term appeared in what constituted the second sentence before a new second sentence was added by section 104(1) of Pub. L. 99–401.

1984—Subsec. (a). Pub. L. 98–457, §105(a), (b), struck out '', including the Office of Child Development, the Department of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration,'' before ''and not less than three members'', and inserted provision that the Advisory Board may be available, at the Secretary's request, to assist the Secretary in coordinating adoption-related activities of the Federal Government.

Subsecs. (b), (c). Pub. L. 98–457, §105(c), redesignated subsec. (c) as (b) and struck out former subsec. (b) which required the Board to review the comprehensive plan submitted to it by the Center pursuant to section 5101(b)(7) of this title, make such changes as it deemed appropriate, and submit to the President and the Congress a final such plan not later than eighteen months after April 24, 1978.

1978—Subsec. (a). Pub. L. 95–266, §105(1), (2), inserted requirement for representation from the general public, and ''planned,'' before ''administered'' in two places.

Subsec. (b). Pub. L. 95–266, §105(3), substituted provisions relating to review of the plan by the Advisory Board and submission to the President and Congress of a final plan, for provisions relating to a report by the Advisory Board on assisted programs, etc., and submission to the President and Congress.

Subsec. (c). Pub. L. 95–266, §105(3), substituted provisions setting forth compensation and travel expense allowance authorizations for members of the Board, for provisions authorizing use of appropriated funds for required report.

CHILD ABUSE AND DISABILITY

Section 102 of Pub. L. 100–294 directed Director of National Center on Child Abuse and Neglect to conduct a study of incidence of child abuse among children with handicaps, including children in out-of-home placements, the relationship between child abuse and children's handicapping conditions, and incidence of children who have developed handicapping conditions as a result of child abuse or neglect, and not later than 2 years after Apr. 25, 1988, to report to appropriate committees of Congress with respect to the study, such report to include information and data gathered, an analysis of such information and data, and recommendations on how to prevent abuse of disabled children.

CHILD ABUSE AND ALCOHOLIC FAMILIES

Section 103 of Pub. L. 100–294 directed Director of National Center on Child Abuse and Neglect to conduct a study of incidence of child abuse in alcoholic families and relationship between child abuse and familial alcoholism, and not later than 2 years after Apr. 25, 1988, to report to appropriate committees of Congress with respect to the study, such report to include information and data gathered, an analysis of such information and data, and recommendations on how to prevent child abuse in alcoholic families.

STUDY OF GUARDIAN-AD-LITEM

Section 104 of Pub. L. 100–294 directed Director of National Center on Child Abuse and Neglect to conduct a study of how individual legal representation of children in cases of child abuse or neglect has been provided in each State, and effectiveness of legal representation of children in cases of abuse or neglect through use of guardian-ad-litem and court appointed special advocates, and not later than 2 years after Apr. 25, 1988, to report to appropriate committees of Congress with respect to the study, such report to include information and data gathered, an analysis of such information and data, and recommendations on how to improve legal representation of children in cases of abuse or neglect.

HIGH RISK STUDY

Section 105 of Pub. L. 100–294 directed the Director of National Center on Child Abuse and Neglect to conduct a study to identify groups which have been historically underserved or unserved by programs relating to child abuse and neglect, and to report incidence of child abuse and neglect among children who are members of such groups, and not later than 2 years after Apr. 25, 1988, to report to appropriate committees of Congress with respect to the study, such report to include information and data gathered, an analysis of such information and data, and recommendations on how to better meet needs of underserved or unserved groups.

§ 5106. Grants to public agencies and nonprofit private organizations for demonstration programs and projects

(a) Demonstration programs and projects

The Secretary may make grants to, and enter into contracts with, public agencies or private nonprofit agencies or organizations (or combinations of such agencies or organizations) for time limited, demonstration programs and projects for the following purposes:

(1) Training programs

The Secretary may award grants to public or private nonprofit organizations under this section—

(A) for the training of 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, including the links between domestic violence and child abuse;

(B) to improve the recruitment, selection, and training of volunteers serving in public and private 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; and

(C) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

(2) Mutual support programs

The Secretary may award grants to private nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

(3) Other innovative programs and projects

(A) In general

The Secretary may award grants to public and private nonprofit agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that—

(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

(ii) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

(iii) provides further investigation and intensive intervention where the child's safety is in jeopardy.

(B) Kinship care

The Secretary may award grants to public and private nonprofit entities in not more than 10 States to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe nurturing environment for the child and where such relatives comply with the State child protection standards.

(C) Promotion of safe, family-friendly physical environments for visitation and exchange

The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

(i) for court-ordered supervised visitation between children and abusing parents; and

(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.

(b) Discretionary grants

In addition to grants or contracts made under subsection (b) of this section, grants or contracts under this section may be used for the following:

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

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

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

(4)(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 rural setting; and

(ii) encourage qualified grantees to combine the amounts received under the grant with other funds available to such grantees.

(5) Such other innovative programs and projects that show promise of preventing and treating cases of child abuse and neglect as the Secretary may approve.

(c) Evaluation

In making grants for demonstration projects under this section, 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 as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.

(Pub. L. 93–247, title I, § 105, formerly § 7, Jan. 31, 1974, 88 Stat. 8; Pub. L. 98–457, title I, § 106, Oct. 9, 1984, 98 Stat. 1751; Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 108; renumbered title I, § 106, Pub. L. 101–126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; Pub. L. 102–295, title I, §§ 113, 141(1), (2), (5), May 28, 1992, 106 Stat. 191, 199, 200; renumbered § 105 and amended Pub. L. 104–235, title I, §§ 106, 113(a)(1)(A), Oct. 3, 1996, 110 Stat. 3069, 3079.)

PRIOR PROVISIONS

A prior section 105 of Pub. L. 93–247 was renumbered section 104 and is classified to section 5105 of this title.

AMENDMENTS

1996—Pub. L. 104–235, § 106(1), struck out ''or service'' after ''demonstration'' in section catchline.

Subsec. (a). Pub. L. 104–235, § 106(2), amended heading and text of subsec. (a) generally. Prior to amendment, text consisted of pars. (1) and (2) which related to general authority of Secretary to make grants and enter into contracts for demonstration or service programs and projects and to evaluate the effectiveness of those demonstration projects.

Subsec. (b). Pub. L. 104–235, § 106(3), (4), redesignated subsec. (c) as (b) and pars. (3) to (7) thereof as (1) to (5), respectively, struck out former pars. (1) and (2) which related to training programs and other innovative programs, respectively, and struck out heading and text of former subsec. (b). Text read as follows: ''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.''

Subsec. (c). Pub. L. 104–235, § 106(6), added subsec. (c). Former subsec. (c) redesignated (b).

1992—Subsec. (a). Pub. L. 102–295, § 113(a), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (c)(1)(B). Pub. L. 102–295, § 141(5), substituted ''disabilities'' for ''handicaps''.

Pub. L. 102–295, § 113(b)(1), inserted ''culturally specific'' before ''instruction''.

Subsec. (c)(1)(C). Pub. L. 102–295, § 113(b)(2), added subpar. (C).

Subsec. (c)(6)(A)(i). Pub. L. 102–295, § 141(5), substituted ''children with disabilities'' for ''children with handicaps''.

Subsec. (c)(6)(B)(i). Pub. L. 102–295, § 141(1), substituted ''child with disabilities'' for ''handicapped child''.

Subsec. (c)(6)(C)(ii). Pub. L. 102–295, § 141(2), substituted ''child with disabilities'' for ''child with handicaps''.

1988—Pub. L. 100–294 amended section generally, substituting provision authorizing grants to public agencies and nonprofit private organizations for demonstration or service programs and projects for provision directing the Secretary to ensure coordination among Federal programs related to child abuse and neglect. See section 5106e of this title.

1984—Pub. L. 98–457 substituted ''among programs'' for ''between programs''.

§ 5106a. Grants to States for child abuse and neglect prevention and treatment programs

(a) Development and operation grants

The Secretary 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 services system of each such State in—

(1) the intake, assessment, screening, and investigation of reports of abuse and neglect;

(2)(A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

(B) improving legal preparation and representation, including—

(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

(ii) provisions for the appointment of an individual appointed to represent a child in judicial proceedings;

(3) case management and delivery of services provided to children and their families;

(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;

(8) developing, implementing, or operating—

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

(i) 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

(ii) the parents of such infants; and

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

(i) existing social and health services;

(ii) financial assistance; and

(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or

(9) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level.

(b) Eligibility requirements

(1) State plan

(A) In general

To be eligible to receive a grant under this section, 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.

(B) Additional requirement

After the submission of the initial grant application under subparagraph (A), the State shall provide notice to the Secretary of any substantive changes to any State law relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section.

(2) 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 subchapter, including—

(A) an assurance in the form of a certification by the 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 program, relating to child abuse and neglect that includes—

(i) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

(ii) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

(iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect and ensuring their placement in a safe environment;

(iv) 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;

(v) 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 subchapter and subchapter III of this chapter 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, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(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;

(vi) 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;

(vii) 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 or neglect;

(viii) 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;

(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or a court appointed special advocate (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;

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

(xi) provisions, procedures, and mechanisms to be effective not later than 2 years after October 3, 1996—

(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 abuse or neglect can appeal such finding;

(xii) provisions, procedures, and mechanisms to be effective not later than 2 years after October 3, 1996, 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; and

(xiii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xii), conviction of any one of the felonies listed in clause (xii) 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);

(B) 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 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 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 disabled infants with life threatening[1] conditions;

(C) 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

(D) 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. 620 et seq.] comply with the requirements set forth in paragraph (1) and this paragraph.

(3) Limitation

With regard to clauses (v) and (vi) of paragraph (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.

(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 5116b(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.

(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 and procedures of State and local agencies and where appropriate, specific cases, evaluate the extent to which the 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 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

[1] So in original. Probably should be ''life-threatening''.

(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).

(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 public, on an annual basis, a report containing a summary of the activities of the panel.

(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 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 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) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.

(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 abuse or neglect has been made.

(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.

(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 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.

(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.

(Pub. L. 93–247, title I, §106, formerly §8, as added Pub. L. 100–294, title I, §101, Apr. 25, 1988, 102 Stat. 110; renumbered title I, §107, Pub. L. 101–126, §3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; amended Pub. L. 102–295, title I, §114(a)–(c), May 28, 1992, 106 Stat. 192, 195; Pub. L. 102–586, §9(b), Nov. 4, 1992, 106 Stat. 5037; renumbered §106 and amended Pub. L. 104–235, title I, §§107, 113(a)(1)(A), Oct. 3, 1996, 110 Stat. 3071, 3079.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (b)(2) and (c)(4)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Parts B and E of title IV of the Act are classified generally to part B (§620 et seq.) and part E (§670 et seq.), respectively, of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

CODIFICATION

October 3, 1996, referred to in subsec. (b)(2)(A)(xi), (xii), was in the original ''the date of the enactment of this section'', which was translated as meaning the date of enactment of Pub. L. 104–235, which amended this section generally, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 106 of Pub. L. 93–247 was renumbered section 105 and is classified to section 5106 of this title.

AMENDMENTS

1996—Pub. L. 104–235 reenacted section catchline without change and amended text generally, revising and restating subsecs. (a) and (b), substituting provisions relating to citizen review panels for provisions relating to State program plan in subsec. (c), provisions relating to annual State data reports for provisions relating to waivers in subsec. (d), provisions relating to annual report by Secretary for provisions relating to reduction of funds in case of failure to obligate in subsec. (e), and striking out subsecs. (f) and (g) which related to child welfare services and compliance and education grants, respectively.

1992—Subsec. (a). Pub. L. 102–295, §114(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Secretary, through the Center, is authorized to make grants to the States for purposes of assisting the States in developing, strengthening, and

carrying out child abuse and neglect prevention and treatment programs.''

Subsec. (b)(4). Pub. L. 102–586 amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''provide for 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;''.

Subsec. (c). Pub. L. 102–295, § 114(b), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 102–295, § 114(b)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 102–295, § 114(c), which directed the amendment of subsec. (d) by substituting ''subsection (a) of this section'' for ''this subsection'' in provisions preceding subparagraph (A), was executed by making the substitution the second place that phrase appeared in introductory provisions of par. (1) of subsec. (d) to reflect the probable intent of Congress.

Subsecs. (e) to (g). Pub. L. 102–295, § 114(b)(1), redesignated subsecs. (d) to (f) as (e) to (g), respectively.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 114(d) of Pub. L. 102–295, as amended by Pub. L. 103–171, § 9(a), Dec. 2, 1993, 107 Stat. 1994, provided that: ''The amendments described in subsections (a) and (b) [amending this section] are made upon the date of the enactment of this Act [May 28, 1992]. Such amendments take effect 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 [section 5106h(a)(2)(B)(ii) of this title] (as amended by section 117 of this Act). Prior to such amendments taking effect, section 107(a) of the Child Abuse Prevention and Treatment Act [subsec. (a) of this section], as in effect on the day before the date of the enactment of this Act, continues to be in effect.''

[Pub. L. 103–171, § 9(b), Dec. 2, 1993, 107 Stat. 1994, provided that: ''The amendments made by subsection (a) [amending section 114(d) of Pub. L. 102–295, set out above] take effect on September 30, 1993.'']

CONGRESSIONAL FINDINGS

Section 9(a) of Pub. L. 102–586 provided that: ''The Congress finds that—

''(1) circumstances surrounding the death of a young boy named Adam Mann in New York City prompted a shocking documentary focusing on the inability of child protection services to protect suffering children;

''(2) the documentary described in paragraph (1) showed the serious need for systemic changes in our child welfare protection system;

''(3) thorough, coordinated, and comprehensive investigation will, it is hoped, lead to the prevention of abuse, neglect, or death in the future;

''(4) an undue burden is placed on investigation due to strict Federal and State laws and regulations regarding confidentiality;

''(5) while the Congress recognizes the importance of maintaining the confidentiality of records pertaining to child abuse, neglect, and death, often the purpose of confidentiality laws and regulations are [sic] defeated when they have the effect of protecting those responsible;

''(6) comprehensive and coordinated interagency communication needs to be established, with adequate provisions to protect against the public disclosure of any detrimental information need to be established [sic];

''(7) certain States, including Georgia, North Carolina, California, Missouri, Arizona, Minnesota, Oklahoma, and Oregon, have taken steps to establish by statute interagency, multidisciplinary fatality review teams to fully investigate incidents of death believed to be caused by child abuse or neglect;

''(8) teams such as those described in paragraph (7) should be established in every State, and their scope of review should be expanded to include egregious incidents of child abuse and neglect before the child in question dies; and

''(9) teams such as those described in paragraph (7) will increase the accountability of child protection services.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5106c, 5106h of this title.

§ 5106a–1. Repealed. Pub. L. 103–252, title IV, § 401(b)(2), May 18, 1994, 108 Stat. 672

Section, Pub. L. 93–247, title I, § 107A, as added Pub. L. 101–226, § 21, Dec. 12, 1989, 103 Stat. 1937; amended Pub. L. 102–295, title I, § 115(a), May 28, 1992, 106 Stat. 195, related to emergency child abuse prevention services grants.

§ 5106b. Repealed. Pub. L. 104–235, title I, § 108, Oct. 3, 1996, 110 Stat. 3078

Section, Pub. L. 93–247, title I, § 108, formerly § 9, as added Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 113; renumbered title I, § 108, and amended Pub. L. 101–126, § 3(a)(1), (2), (b)(4), Oct. 25, 1989, 103 Stat. 764, 765, related to technical assistance to States for child abuse prevention and treatment programs.

§ 5106c. Grants to States for programs relating to investigation and prosecution of child abuse and neglect cases

(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 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 section 5106a(b)[1] 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 atten-

[1] See References in Text note below.

tion 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.

(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, 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; 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, 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 10603a of this title.

(Pub. L. 93–247, title I, § 107, formerly § 10, as added Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 113; renumbered title I, § 109, and amended Pub. L. 101–126, § 3(a)(1), (2), (b)(5), Oct. 25, 1989, 103 Stat. 764, 765; Pub. L. 102–295, title I, § 116(a), May 28, 1992, 106 Stat. 195; renumbered § 107 and amended Pub. L. 104–235, title I, § 113(a)(1)(B), (2), Oct. 3, 1996, 110 Stat. 3079.)

REFERENCES IN TEXT

Section 5106a(b) of this title, referred to in subsec. (b)(1), was in the original a reference to section 107(b), meaning section 107(b) of Pub. L. 93–247. Section 107 of Pub. L. 93–247 was renumbered section 106 by Pub. L. 104–235, title I, § 113(a)(1)(A), Oct. 3, 1996, 110 Stat. 3079. Section 109 of Pub. L. 93–247 was renumbered section 107 and is classified to this section.

PRIOR PROVISIONS

A prior section 107 of Pub. L. 93–247 was renumbered section 106 and is classified to section 5106a of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–235, § 113(a)(2)(A), substituted ''The Secretary, in consultation'' for ''The Secretary, acting through the Center and in consultation'' in introductory provisions.

Subsec. (b)(1). Pub. L. 104–235, § 113(a)(2)(B), substituted ''section'' for ''sections''.

Subsec. (c)(1). Pub. L. 104–235, § 113(a)(2)(C), inserted comma after ''maintain'' in introductory provisions and semicolon at end of subpar. (F).

Subsec. (d)(1). Pub. L. 104–235, § 113(a)(2)(D), inserted ''and'' at end.

1992—Pub. L. 102–295, § 116(a)(1), in section catchline inserted ''and neglect'' after ''child abuse''.

Subsec. (a). Pub. L. 102–295, § 116(a)(2), added pars. (1) to (3) and struck out former pars. (1) and (2) which read as follows:

''(1) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and

''(2) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.''

Subsec. (b)(1). Pub. L. 102–295, § 116(a)(3)(A), substituted ''sections 5106a(b) of this title'' for ''sections 5106a(b) and 5106a(e) of this title or receive a waiver under section 5106a(c) of this title''.

Subsec. (b)(4). Pub. L. 102–295, § 116(a)(3)(C), inserted ''annually'' after ''submit''.

Subsec. (b)(5). Pub. L. 102–295, § 116(a)(3)(B), (D), added par. (5).

Subsec. (c)(1). Pub. L. 102–295, § 116(a)(4), in introductory provisions inserted '', and maintain'' after ''designate'' and substituted ''child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities'' for ''child abuse'', in subpar. (B) substituted ''judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect'' for ''judicial and legal officers'', in subpar. (C) inserted '', including both attorneys for children and, where such programs are in operation, court appointed special advocates'', and in subpar. (F) substituted ''disabilities'' for ''handicaps;''.

Subsec. (d). Pub. L. 102–295, § 116(a)(5), in introductory provisions substituted ''and at three year intervals thereafter, the State task force shall comprehensively'' for ''the State task force shall'', in par. (1) substituted ''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;'' for ''judicial handling of cases of child abuse, particularly child sexual abuse; and'' and in par. (2) inserted ''policy and training'' before ''recommendations''.

Subsec. (e)(1)(A). Pub. L. 102–295, § 116(a)(6)(A), substituted ''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'' for ''child abuse, particularly child sexual abuse cases, in a manner which reduces the additional trauma to the child victim''.

Subsec. (e)(1)(B). Pub. L. 102–295, § 116(a)(6)(B), which directed substitution of ''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'' for ''improve the rate'' and all that followed through ''abuse cases'', was executed by making the substitution for ''improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse cases'' to reflect the probable intent of Congress and the fact that ''abuse cases'' appeared twice.

Subsec. (e)(1)(C). Pub. L. 102–295, § 116(a)(6)(C), inserted '', protocols'' after ''regulations'' and ''and exploitation'' after ''sexual abuse''.

1989—Subsec. (b)(1). Pub. L. 101–126, § 3(b)(5), made technical amendments to references to section 5106a of this title to reflect renumbering of corresponding section of original act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5106f, 10603a of this title.

§ 5106d. Miscellaneous requirements relating to assistance

(a) Construction of facilities

(1) Restriction on use of funds

Assistance provided under this subchapter and subchapter III of this chapter may not be used for construction of facilities.

(2) Lease, rental, or repair

The Secretary may authorize the use of funds received under this subchapter and subchapter III of this chapter—

(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 subchapter and subchapter III of this chapter 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 subchapter and subchapter III of this chapter.

(c) Limitation

No funds appropriated for any grant or contract pursuant to authorizations made in this subchapter and subchapter III of this chapter may be used for any purpose other than that for which such funds were authorized to be appropriated.

(Pub. L. 93–247, title I, § 108, formerly § 11, as added Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 115; renumbered title I, § 110, Pub. L. 101–126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; renumbered § 108 and amended Pub. L. 104–235, title I, §§ 109, 113(a)(1)(B), Oct. 3, 1996, 110 Stat. 3078, 3079.)

PRIOR PROVISIONS

A prior section 108 of Pub. L. 93–247 was classified to section 5106b of this title prior to repeal by Pub. L. 104–235.

AMENDMENTS

1996—Subsecs. (c), (d). Pub. L. 104–235 redesignated subsec. (d) as (c) and struck out heading and text of former subsec. (c). Text read as follows: ''The Sec-

retary, in consultation with the task force and the board, shall ensure that a majority share of assistance under this subchapter and subchapters III and V of this chapter is available for discretionary research and demonstration grants.''

§ 5106e. Coordination of child abuse and neglect programs

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 subchapter and subchapter III of this chapter and other such programs which are assisted by Federal funds.

(Pub. L. 93–247, title I, § 109, formerly § 12, as added Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, § 111, Pub. L. 101–126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; renumbered § 109, Pub. L. 104–235, title I, § 113(a)(1)(B), Oct. 3, 1996, 110 Stat. 3079.)

PRIOR PROVISIONS

A prior section 109 of Pub. L. 93–247 was renumbered section 107 and is classified to section 5106c of this title.

§ 5106f. Reports

(a) Coordination efforts

Not later than March 1 of the second year following April 25, 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

Not later than two years after the first fiscal year for which funds are obligated under section 10603a of this title, the Secretary shall submit to the appropriate committees of Congress a report evaluating the effectiveness of assisted programs in achieving the objectives of section 5106c of this title.

(Pub. L. 93–247, title I, § 110, formerly § 13, as added Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, § 112, and amended Pub. L. 101–126, § 3(a)(1), (2), (b)(6), Oct. 25, 1989, 103 Stat. 764, 765; renumbered § 110 and amended Pub. L. 104–235, title I, § 113(a)(1)(B), (3), Oct. 3, 1996, 110 Stat. 3079.)

PRIOR PROVISIONS

A prior section 110 of Pub. L. 93–247 was renumbered section 108 and is classified to section 5106d of this title.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–235 substituted ''effectiveness of assisted programs in achieving the objectives of section 5106c of this title'' for ''effectiveness of—

''(1) assisted programs in achieving the objectives of section 5106c of this title; and

''(2) the technical assistance provided under section 5106b of this title''.

1989—Subsec. (b). Pub. L. 101–126, § 3(b)(6), made technical amendments to references to sections 5106b and 5106c of this title to reflect renumbering of corresponding sections of original act.

§ 5106f–1. Report concerning voluntary reporting system

Not later than April 30, 1993, 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 679 of this title.

(Pub. L. 102–295, title I, § 142, May 28, 1992, 106 Stat. 200.)

CODIFICATION

Section was enacted as part of the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, and not as part of title I of the Child Abuse Prevention and Treatment Act which comprises this subchapter.

§ 5106g. Definitions

For purposes of this subchapter—

(1) 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;

(2) the term ''child abuse and neglect'' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

(3) the term ''Secretary'' means the Secretary of Health and Human Services;

(4) 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, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;

(5) 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;

(6) 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.

(Pub. L. 93–247, title I, § 111, formerly § 14, as added Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, § 113, and amended Pub. L. 101–126, § 3(a)(1), (2), (b)(7), Oct. 25, 1989, 103 Stat. 764, 765; renumbered § 111 and amended Pub. L. 104–235, title I, §§ 110, 113(a)(1)(B), Oct. 3, 1996, 110 Stat. 3078, 3079.)

PRIOR PROVISIONS

A prior section 111 of Pub. L. 93–247 was renumbered section 109 and is classified to section 5106e of this title.

AMENDMENTS

1996—Par. (1). Pub. L. 104–235, § 110(1), (2)(A), redesignated par. (3) as (1) and struck out former par. (1) which read as follows: ''the term 'board' means the Advisory Board on Child Abuse and Neglect established under section 5102 of this title;''.

Par. (2). Pub. L. 104–235, § 110(2)(A), (3), redesignated par. (4) as (2) and amended it generally. Prior to amendment, par. (2) read as follows: ''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;''.

Pub. L. 104–235, § 110(1) struck out par. (2) which read as follows: ''the term 'Center' means the National Center on Child Abuse and Neglect established under section 5101 of this title;''.

Par. (3). Pub. L. 104–235, § 110(2)(A), redesignated par. (6) as (3). Former par. (3) redesignated (1).

Par. (4). Pub. L. 104–235, § 110(2)(A), (4), redesignated par. (7) as (4) and in subpar. (B) inserted '', and in cases of caretaker or inter-familial relationships, statutory rape'' after ''rape''. Former par. (4) redesignated (2).

Par. (5). Pub. L. 104–235, § 110(1), (2)(A), redesignated par. (8) as (5) and struck out former par. (5) which read as follows: ''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;''.

Par. (6). Pub. L. 104–235, § 110(2)(B), redesignated par. (10) as (6). Former par. (6) redesignated (3).

Pars. (7), (8). Pub. L. 104–235, § 110(2)(A), redesignated pars. (7) and (8) as (4) and (5), respectively.

Par. (9). Pub. L. 104–235, § 110(1), struck out par. (9) which read as follows: ''the term 'task force' means the Inter-Agency Task Force on Child Abuse and Neglect established under section 5103 of this title; and''.

Par. (10). Pub. L. 104–235, § 110(2)(B), redesignated par. (10) as (6).

1989—Pub. L. 101–126, § 3(b)(7)(A), made technical amendment to reference to this subchapter to reflect the insertion of title designations in the original act.

Pars. (1), (2), (9). Pub. L. 101–126, § 3(b)(7)(B)–(D), made technical amendments to references to sections 5101, 5102, and 5103 of this title to reflect renumbering of corresponding sections of original act.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 5106h. Authorization of appropriations

(a) In general

(1) General authorization

There are authorized to be appropriated to carry out this subchapter, $100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.

(2) Discretionary activities

(A) In general

Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this subchapter.

(B) Demonstration projects

Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make[1] available not more than 40 percent of such amounts to carry out section 5106a of this title.

(b) Availability of funds without fiscal year limitation

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

(Pub. L. 93–247, title I, § 112, formerly § 15, as added Pub. L. 100–294, title I, § 101, Apr. 25, 1988, 102 Stat. 117; renumbered title I, § 114, and amended Pub. L. 101–126, § 3(a)(1), (2), (b)(8), Oct. 25, 1989, 103 Stat. 764, 765; Pub. L. 102–295, title I, § 117(a), May 28, 1992, 106 Stat. 197; renumbered § 112 and amended Pub. L. 104–235, title I, §§ 111, 113(a)(1)(B), Oct. 3, 1996, 110 Stat. 3078, 3079.)

PRIOR PROVISIONS

A prior section 112 of Pub. L. 93–247 was renumbered section 110 and is classified to section 5106f of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–235 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows:

''(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this subchapter, except for section 5106a–1 of this title, $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 5106a(g) of this title.

[1] So in original. Probably should be ''shall make''.

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

''(i) 33⅓ percent shall be available for activities under sections 5104, 5105, and 5106 of this title; and

''(ii) 66⅔ percent of such amounts shall be made available in each such fiscal year for activities under sections 5106a and 5106b of this title.''

1992—Subsec. (a). Pub. L. 102–295 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''There are authorized to be appropriated for purposes of carrying out this subchapter $48,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991. Of the funds appropriated for any fiscal year under this section, except as provided in the succeeding sentence (1)(A) $11,000,000 shall be available for activities under sections 5104, 5105, and 5106 of this title, and (B), $9,000,000 shall be available in each fiscal year for activities under sections 5106a(a) and 5106b of this title, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, (2) $5,000,000 shall be available in each such year for grants and contracts under section 5106(a) of this title, for identification, treatment, and prevention of sexual abuse, and (3) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 5106a(f) of this title. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, no less than $20,000,000 of the funds appropriated in such fiscal year shall be available as provided in clause (1) in the preceding sentence and of the remainder, one-half shall be available as provided for in clause (2) and one-half as provided for in clause (3) in the preceding sentence.''

1989—Pub. L. 101–126, § 3(b)(8), made technical amendments to references to this subchapter and to sections 5104, 5105, 5106, 5106a, and 5106b of this title to reflect the insertion of title designations and renumbering of corresponding sections in original act.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 117(b) of Pub. L. 102–295 provided that: ''Paragraph (2) of section 114(a) [42 U.S.C. 5106h(a)(2)], as amended by subsection (a), 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 such section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a) [see 1992 Amendment note above] (as in effect prior to the amendment made by such subsection (a)) shall continue in effect.''

§ 5106i. Rule of construction

(a) In general

Nothing in this subchapter and subchapter III of this chapter shall be construed—

(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treatment against the religious beliefs of the parent or legal guardian; and

(2) to require that a State find, or to prohibit a State from finding, abuse or neglect in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

(b) State requirement

Notwithstanding subsection (a) of this section, a State shall, at a minimum, have in place authority under State law to permit the child protective services system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State.

(Pub. L. 93–247, title I, § 113, formerly § 115, as added and renumbered § 113, Pub. L. 104–235, title I, §§ 112, 113(a)(1)(C), Oct. 3, 1996, 110 Stat. 3078, 3079.)

§ 5107. Discretionary programs; authorization of appropriations

(a)(1) The Secretary of Health and Human Services, either directly, through grants to States and public and private, nonprofit organizations and agencies, or through jointly financed cooperative arrangements with States, public agencies, and other agencies and organizations, is authorized to provide for activities of national significance related to child abuse prevention and treatment and adoption reform, including operation of a national center to collect and disseminate information regarding child abuse and neglect, and operation of a national adoption information exchange system to facilitate the adoptive placement of children.

(2) The Secretary, in carrying out the provisions of this subsection, shall provide for the continued operation of the National Center on Child Abuse and Neglect in accordance with section 5101(a) of this title for each of the fiscal years 1982 and 1983.

(3) If the Secretary determines, in fiscal year 1982 or 1983, to carry out any of the activities described in section 5101(b) of this title, the Secretary shall carry out such activities through the National Center on Child Abuse and Neglect.

(b) There is authorized to be appropriated to carry out this section $12,000,000 for each of the fiscal years 1982 and 1983. Of the amounts appropriated under this subsection for any fiscal year, not less than $2,000,000 shall be available to carry out title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 [42 U.S.C. 5111 et seq.].

(Pub. L. 97–35, title VI, § 610, Aug. 13, 1981, 95 Stat. 488.)

REFERENCES IN TEXT

The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, referred to in subsec. (b), is Pub. L. 95–266, Apr. 24, 1978, 92 Stat. 205, as amended. Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is classified generally to subchapter II (§ 5111 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 5101 of this title and Tables.

CODIFICATION

Section was enacted as part of the Omnibus Budget Reconciliation Act of 1981, and not as part of title I of

the Child Abuse Prevention and Treatment Act which comprises this subchapter.

SUBCHAPTER II—ADOPTION OPPORTUNITIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5107 of this title.

§ 5111. Congressional findings and declaration of purpose

(a) Findings

Congress finds that—

(1) the number of children in substitute care increased by nearly 61 percent between 1986 and 1994, as our Nation's foster care population included more than 452,000 as of June 1994;

(2) increasingly children entering foster care have complex problems which require intensive services;

(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

(5) many thousands of children remain in institutions or foster homes solely because of legal and other barriers to their placement in permanent, adoptive homes;

(6) the majority of such children are of school age, members of sibling groups or disabled;

(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and

(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group;

(8) adoption may be the best alternative for assuring the healthy development of such children;

(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and

(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.

(b) Purpose

It is the purpose of this subchapter to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by providing a mechanism to—

(1) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

(2) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

(3) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan.

(Pub. L. 95–266, title II, § 201, Apr. 24, 1978, 92 Stat. 208; Pub. L. 98–457, title II, § 201, Oct. 9, 1984, 98 Stat. 1755; Pub. L. 102–295, title IV, § 401, May 28, 1992, 106 Stat. 211; Pub. L. 104–235, title II, § 211, Oct. 3, 1996, 110 Stat. 3090.)

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–235, § 211(1)(A), substituted ''61 percent between 1986 and 1994'' for ''50 percent between 1985 and 1990'' and ''452,000 as of June 1994'' for ''400,000 children at the end of June, 1990''.

Subsec. (a)(5). Pub. L. 104–235, § 211(1)(B), substituted ''legal'' for ''local''.

Subsec. (a)(7). Pub. L. 104–235, § 211(1)(C), amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''currently one-half of children free for adoption and awaiting placement are minorities;''.

Subsec. (b). Pub. L. 104–235, § 211(2), substituted ''conditions, by providing a mechanism to—'' for ''conditions, by—

''(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

''(2) providing a mechanism for the Department of Health and Human Services to—'',

redesignated subpars. (A) to (C) of former par. (2) as pars. (1) to (3), respectively, and realigned margins.

1992—Pub. L. 102–295 amended section generally, designating existing provisions as subsecs. (a) and (b), inserting findings relating to the number of children in substitute care, foster care children with complex problems which require intensive services, infants born without prenatal care, addicted to alcohol or other drugs, or exposed to infection with the etiologic agent for human immunodeficiency virus, and percentage of children awaiting adoption who are minorities, inserting as purposes of this subchapter to provide a mechanism to recruit prospective parents for children awaiting adoption and to demonstrate expeditious ways to free children for adoption, and striking out as a purpose to provide a mechanism to coordinate with Federal departments and agencies to provide national adoption and foster care information data-gathering and analysis system.

1984—Pub. L. 98–457, § 201(a), (b)(1), in provisions before par. (1), inserted ''the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and that some such children are in need of placement in permanent, adoptive homes, that'' and substituted ''should not have medically indicated treatment withheld from them, nor be maintained in foster care'' for ''should not be maintained in foster care'' and ''children with special needs, including disabled infants with life-threatening conditions, by'' for ''children with special needs by''.

Par. (2). Pub. L. 98–457, § 201(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''providing a mechanism for the Department of Health and Human Services to (A) promote quality standards for adoption services (including pre-placement, post-placement, and post-adoption counseling and standards to protect the rights of children in need of adoption), and (B) provide for a national adoption and foster care information data gathering and analysis system and a national adoption information exchange system to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children.''

§ 5112. Repealed. Pub. L. 102–295, title IV, § 402, May 28, 1992, 106 Stat. 213

Section, Pub. L. 95–266, title II, § 202, Apr. 24, 1978, 92 Stat. 208; Pub. L. 98–457, title II, § 202, Oct. 9, 1984, 98 Stat. 1756, related to model adoption legislation and procedures.

§ 5113. Information and service functions by appropriate administrative arrangement

(a) Establishment in Department of Health and Human Services

The Secretary shall establish in the Department of Health and Human Services an appropriate administrative arrangement to provide a centralized focus for planning and coordinating of all departmental activities affecting adoption and foster care and for carrying out the provisions of this subchapter. The Secretary shall make available such consultant services, on-site technical assistance and personnel, together with appropriate administrative expenses, including salaries and travel costs, as are necessary for carrying out such purposes, including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs.

(b) Implementation authorities

In connection with carrying out the provisions of this subchapter, the Secretary shall—

(1) conduct (directly or by grant to or contract with public or private nonprofit agencies or organizations) an education and training program on adoption, and prepare, publish, and disseminate (directly or by grant to or contract with public or private nonprofit agencies and organizations) to all interested parties, public and private agencies and organizations (including, but not limited to, hospitals, health care and family planning clinics, and social services agencies), and governmental bodies, information and education and training materials regarding adoption and adoption assistance programs;

(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion;

(3) notwithstanding any other provision of law, provide (directly or by grant to or contract with public or private nonprofit agencies or organizations) for (A) the operation of a national adoption information exchange system (including only such information as is necessary to facilitate the adoptive placement of children, utilizing computers and data processing methods to assist in the location of children who would benefit by adoption and in the placement in adoptive homes of children awaiting adoption); and (B) the coordination of such system with similar State and regional systems;

(4) provide (directly or by grant to or contract with public or private nonprofit agencies or organizations, including adoptive family groups and minority groups) for the provision of technical assistance in the planning, improving, developing, and carrying out of programs and activities relating to adoption, and to promote professional leadership training of minorities in the adoption field;

(5) encourage involvement of corporations and small businesses in supporting adoption as a positive family-strengthening option, including the establishment of adoption benefit programs for employees who adopt children;

(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;

(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based and other organizations), or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption;

(8) consult with other appropriate Federal departments and agencies in order to promote maximum coordination of the services and benefits provided under programs carried out by such departments and agencies with those carried out by the Secretary, and provide for the coordination of such aspects of all programs within the Department of Health and Human Services relating to adoption;

(9) maintain (directly or by grant to or contract with public or private nonprofit agencies or organizations) a National Resource Center for Special Needs Adoption to—

(A) promote professional leadership development of minorities in the adoption field;

(B) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

(C) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and

(10) provide (directly or by grant to or contract with States, local government entities, public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups and community-based organizations with experience in working with minority populations) for the provision of programs aimed at increasing the number of minority children (who are in foster care and have the goal of adoption) placed in adoptive families, with a special emphasis on recruitment of minority families—

(A) which may include such activities as—

(i) outreach, public education, or media campaigns to inform the public of the needs and numbers of such children;

(ii) recruitment of prospective adoptive families for such children;

(iii) expediting, where appropriate, the legal availability of such children;

(iv) expediting, where appropriate, the agency assessment of prospective adoptive families identified for such children;

(v) formation of prospective adoptive family support groups;

(vi) training of personnel of—

(I) public agencies;

(II) private nonprofit child welfare and adoption agencies that are licensed by the State; and

(III) adoptive parents organizations and community-based organizations with experience in working with minority populations;

(vii) use of volunteers and adoptive parent groups; and

(viii) any other activities determined by the Secretary to further the purposes of this subchapter; and

(B) shall be subject to the condition that such grants or contracts may be renewed if documentation is provided to the Secretary demonstrating that appropriate and sufficient placements of such children have occurred during the previous funding period.

(c) Post legal adoption services

(1) The Secretary shall provide (directly or by grant to or contract with States, local government entities, public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups) for the provision of post legal adoption services for families who have adopted special needs children.

(2) Services provided under grants made under this subsection shall supplement, not supplant, services from any other funds available for the same general purposes, including—

(A) individual counseling;

(B) group counseling;

(C) family counseling;

(D) case management;

(E) training public agency adoption personnel, personnel of private, nonprofit child welfare and adoption agencies licensed by the State to provide adoption services, mental health services professionals, and other support personnel to provide services under this subsection;

(F) assistance to adoptive parent organizations; and

(G) assistance to support groups for adoptive parents, adopted children, and siblings of adopted children.

(d) Placement of foster care children

(1) The Secretary shall make grants for improving State efforts to increase the placement of foster care children legally free for adoption, according to a pre-established plan and goals for improvement. Grants funded by this section must include a strong evaluation component which outlines the innovations used to improve the placement of special needs children who are legally free for adoption, and the successes and failures of the initiative. The evaluations will be submitted to the Secretary who will compile the results of projects funded by this section and submit a report to the appropriate committees of Congress. The emphasis of this program must focus on the improvement of the placement rate—not the aggregate number of special needs children placed in permanent homes. The Secretary, when reviewing grant applications[1] shall give priority to grantees who propose improvements designed to continue in the absence of Federal funds.

(2)(A) Each State entering into an agreement under this subsection shall submit an application to the Secretary that describes the manner in which the State will use funds during the 3 fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be in a form and manner determined to be appropriate by the Secretary. Each application shall include verification of the placements described in paragraph (1).

(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations—

(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States.

(3)(A) Payments under this subsection shall begin during fiscal year 1989. Payments under this section during any fiscal year shall not exceed $1,000,000. No payment may be made under this subsection unless an amount in excess of $5,000,000 is appropriated for such fiscal year under section 5115(a) of this title.

(B) Any payment made to a State under this subsection which is not used by such State for the purpose provided in paragraph (1) during the fiscal year payment is made shall revert to the Secretary on October 1st of the next fiscal year and shall be used to carry out the purposes of this subchapter.

(Pub. L. 95–266, title II, § 203, Apr. 24, 1978, 92 Stat. 209; Pub. L. 98–457, title II, § 203, Oct. 9, 1984, 98 Stat. 1756; Pub. L. 100–294, title II, § 202, Apr. 25, 1988, 102 Stat. 122; Pub. L. 102–295, title IV, § 403, May 28, 1992, 106 Stat. 213; Pub. L. 104–235, title II, § 212, Oct. 3, 1996, 110 Stat. 3090.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–235, § 212(1), struck out at end ''The Secretary shall, not later than 12 months after May 28, 1992, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this subchapter, and such reports shall be made available to the public.''

[1] So in original. Probably should be followed by a comma.

Subsec. (b)(6). Pub. L. 104–235, § 212(2)(A), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''continue to study the nature, scope, and effects of the placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity;''.

Subsec. (b)(7) to (10). Pub. L. 104–235, § 212(2)(B), (C), added par. (7) and redesignated former pars. (7) to (9) as (8) to (10), respectively.

Subsec. (d)(2). Pub. L. 104–235, § 212(3), designated existing provisions as subpar. (A), substituted ''that describes the manner in which the State will use funds during the 3 fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be'' for ''for each fiscal year'', and added subpar. (B).

1992—Subsec. (a). Pub. L. 102–295, § 403(1), inserted '', on-site technical assistance'' after ''consultant services'' and ''including salaries and travel costs,'' after ''administrative expenses,'' and inserted at end ''The Secretary shall, not later than 12 months after May 28, 1992, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this subchapter, and such reports shall be made available to the public.''

Subsec. (b)(1), (2). Pub. L. 102–295, § 403(2)(A), (B), added par. (2), redesignated former par. (2) as (1), and struck out former par. (1) which read as follows: ''provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system;''.

Subsec. (b)(4). Pub. L. 102–295, § 403(2)(C), inserted '', and to promote professional leadership training of minorities in the adoption field''.

Subsec. (b)(8), (9). Pub. L. 102–295, § 403(2)(D), added par. (8) and redesignated former par. (8) as (9).

1988—Subsec. (b)(8). Pub. L. 100–294, § 202(a), added par. (8).

Subsecs. (c), (d). Pub. L. 100–294, § 202(b), (c), added subsecs. (c) and (d).

1984—Subsec. (a). Pub. L. 98–457, § 203(a), (b)(1), substituted ''Health and Human Services'' for ''Health, Education, and Welfare'' and inserted provision requiring the Secretary to make available services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs.

Subsec. (b). Pub. L. 98–457, § 203(c)(1), substituted ''this subchapter'' for ''subsection (a) of this section'' in provisions preceding par. (1).

Subsec. (b)(1). Pub. L. 98–457, § 203(c)(2), substituted ''provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system'' for ''provide (directly or by grant to or contract with public or private nonprofit agencies and organizations) for the establishment and operation of a national adoption and foster care data gathering and analysis system utilizing data collected by States pursuant to requirements of law''.

Subsec. (b)(4). Pub. L. 98–457, § 203(c)(3)(A), substituted ''adoptive family groups and minority groups'' for ''parent groups''.

Subsec. (b)(5), (6). Pub. L. 98–457, § 203(c)(3)(B), (C), added pars. (5) and (6). Former par. (5) redesignated (7).

Subsec. (b)(7). Pub. L. 98–457, § 203(c)(3)(C), (D), redesignated former par. (5) as (7) and substituted ''Health and Human Services'' for ''Health, Education, and Welfare''.

§ 5114. Study and report of unlicensed or unregulated adoption placements

The Secretary shall provide for a study (the results of which shall be reported to the appropriate committees of the Congress not later than eighteen months after April 24, 1978) designed to determine the nature, scope, and effects of the interstate (and, to the extent feasible, intrastate) placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity.

(Pub. L. 95–266, title II, § 204, Apr. 24, 1978, 92 Stat. 210.)

§ 5115. Authorization of appropriations

(a) There are authorized to be appropriated, $20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized.

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

(Pub. L. 95–266, title II, § 205, Apr. 24, 1978, 92 Stat. 211; Pub. L. 98–457, title II, § 204, Oct. 9, 1984, 98 Stat. 1757; Pub. L. 100–294, title II, § 201, Apr. 25, 1988, 102 Stat. 122; Pub. L. 102–295, title IV, § 404, May 28, 1992, 106 Stat. 214; Pub. L. 104–235, title II, § 213, Oct. 3, 1996, 110 Stat. 3091.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–235, § 213(1), substituted ''$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized'' for ''$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out programs and activities under this subchapter except for programs and activities authorized under sections 5113(b)(9) and 5113(c)(1) of this title''.

Subsecs. (b), (c). Pub. L. 104–235, § 213(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: ''For any fiscal year in which appropriations under subsection (a) of this section exceeds $5,000,000, there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(b)(9) of this title, and there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(c)(1) of this title.''

1992—Subsec. (a). Pub. L. 102–295, § 404(1), added subsec. (a) and struck out former subsec. (a) which read as follows: ''There are hereby authorized to be appropriated $6,000,000 for the fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out programs and activities under this subchapter except for programs and activities authorized under sections 5113(b)(8) and 5113(c)(1) of this title.''

Subsec. (b). Pub. L. 102–295, § 404(2), substituted ''$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(b)(9) of this title, and there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for

each of the fiscal years 1993 through 1995, to carry out section 5113(c)(1) of this title'' for ''$3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 5113(b)(8) of this title, and there are authorized to be appropriated $3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 5113(c)(1) of this title''.

1988—Pub. L. 100–294 amended section generally. Prior to amendment, section read as follows: ''There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1978, such sums as may be necessary for the succeeding three fiscal years, and $5,000,000 for each of the fiscal years 1984, 1985, 1986, and 1987, to carry out this subchapter.''

1984—Pub. L. 98–457 inserted provisions authorizing appropriations of $5,000,000 for each of fiscal years 1984, 1985, 1986, and 1987.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5113 of this title.

§ 5115a. Repealed. Pub. L. 104–188, title I, § 1808(d), Aug. 20, 1996, 110 Stat. 1904

Section, Pub. L. 103–382, title V, § 553, Oct. 20, 1994, 108 Stat. 4056, related to multiethnic placements.

SUBCHAPTER III—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

CODIFICATION

Subchapter is comprised of title II of the Child Abuse Prevention and Treatment Act, Pub. L. 93–247. Title I of that Act is classified to subchapter I (§ 5101 et seq.) of this chapter.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5101, 5105, 5106a, 5106d, 5106e, 5106i of this title; title 31 section 6703.

§ 5116. Purpose and authority

(a) Purpose

It is the purpose of this subchapter—

(1) to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that coordinate resources among existing education, vocational rehabilitation, disability, respite care, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State; and

(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 subchapter on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this subchapter as the ''lead entity'') under section 5116a(1) of this title for the purpose of—

(1) developing, operating, expanding and enhancing Statewide networks of community-based, prevention-focused, family resource and support programs 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;

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

(G) decrease the risk of homelessness;

(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 5116d(3)[1] of this title as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities;

(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; 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.

(Pub. L. 93–247, title II, § 201, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3080.)

REFERENCES IN TEXT

Section 5116d(3) of this title, referred to in subsec. (b)(3), was in the original ''section 205(a)(3)'' and was translated as reading ''section 205(3)'', meaning section 205(3) of Pub. L. 93–247, to reflect the probable intent of Congress, because section 205 does not contain subsections.

PRIOR PROVISIONS

A prior section 5116, Pub. L. 93–247, title II, § 201, as added Pub. L. 103–252, title IV, § 401(a), May 18, 1994, 108 Stat. 666, related to community-based family resource programs, prior to the general amendment of this subchapter by Pub. L. 104–235, § 121.

Another prior section 5116, Pub. L. 93–247, title II, § 201, formerly Pub. L. 98–473, title IV, § 402, Oct. 12, 1984, 98 Stat. 2197; renumbered § 201 of Pub. L. 93–247, and amended Pub. L. 101–126, §§ 2(a), 3(a)(3), (c)(1), 4(a), Oct. 25, 1989, 103 Stat. 764, 766; Pub. L. 102–295, title I, § 121(b), May 28, 1992, 106 Stat. 198, set forth purpose of sub-

[1] See References in Text note below.

chapter to assist States in supporting child abuse and neglect prevention activities through community based grants, prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

§ 5116a. Eligibility

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

(1)(A) the chief executive officer of the State has designated a lead entity to administer funds under this subchapter for the purposes identified under the authority of this subchapter, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network;

(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) 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 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 subchapter (as such subchapter was in effect on October 3, 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the chief executive officer 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 chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

(C) direction and oversight to the network 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 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 Statewide network of community-based, prevention-focused, family resource and support programs;

(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 Statewide network of community-based, prevention-focused, family resource and support programs;

(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, 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 and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

(Pub. L. 93–247, title II, § 202, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3081.)

PRIOR PROVISIONS

A prior section 5116a, Pub. L. 93–247, title II, § 202, formerly Pub. L. 98–473, title IV, § 403, Oct. 12, 1984, 98 Stat. 2197; renumbered § 202 of Pub. L. 93–247, and amended Pub. L. 101–126, §§ 2(a), 3(a)(3), (c)(1), 4(b), Oct. 25, 1989, 103 Stat. 764, 766, defined ''Secretary'' and ''State'' as used in this subchapter, prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5116, 5116d, 5116f of this title.

§ 5116b. Amount of grant

(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 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 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 leveraged by the State from private, State, or other non-Federal sources and directed through the State lead agency 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 lead agency of such States in the preceding fiscal year.

(2) Additional requirement

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 (a) of this section.

(Pub. L. 93–247, title II, § 203, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3082.)

PRIOR PROVISIONS

A prior section 5116b, Pub. L. 93–247, title II, § 203, formerly Pub. L. 98–473, title IV, § 404, Oct. 12, 1984, 98 Stat. 2197; renumbered § 203 of Pub. L. 93–247, and amended Pub. L. 101–126, §§ 2(a), 3(a)(3), (c)(1), 4(c), 5, Oct. 25, 1989, 103 Stat. 764, 766–768; Pub. L. 102–295, title I, § 122, May 28, 1992, 106 Stat. 198, authorized Secretary to make grants and authorized appropriations to carry out this subchapter, prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5106a of this title.

§ 5116c. Existing grants

(a) In general

Notwithstanding the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996, a State or entity that has a grant, contract, or cooperative agreement in effect, on October 3, 1996, under any program described in subsection (b) of this section, shall continue to receive funds under such program, subject to the original terms under which such funds were provided under the grant, through the end of the applicable grant cycle.

(b) Programs described

The programs described in this subsection are the following:

(1) The Community-Based Family Resource programs under section 5116 of this title, as such section was in effect on the day before October 3, 1996.

(2) The Family Support Center programs under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.), as such title was in effect on the day before October 3, 1996.

(3) The Emergency Child Abuse Prevention Services grant program under section 5106a–1 of this title, as such section was in effect on the day before May 18, 1994.

(4) Programs under the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986.

(Pub. L. 93–247, title II, § 204, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3083.)

REFERENCES IN TEXT

The Child Abuse Prevention and Treatment Act Amendments of 1996, referred to in subsec. (a), is Pub. L. 104–235, Oct. 3, 1996, 110 Stat. 3063. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 5101 of this title and Tables.

The Stewart B. McKinney Homeless Assistance Act, referred to in subsec. (b)(2), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, as amended. Subtitle F of title VII of the Act was classified generally to part F (§ 11481 et seq.) of subchapter VI of chapter 119 of this title prior to repeal by Pub. L. 104–235, title I, § 142(b), Oct. 3, 1996, 110 Stat. 3089. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

The Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986, referred to in subsec. (b)(4), is title II of Pub. L. 99–401, Aug. 27, 1986, 100 Stat. 907, as amended, which was classified generally to subchapter IV (§ 5117 et seq.) of this chapter prior to repeal by Pub. L. 104–235, title I, § 142(a), Oct. 3, 1996, 110 Stat. 3089.

PRIOR PROVISIONS

A prior section 5116c, Pub. L. 93–247, title II, § 204, formerly Pub. L. 98–473, title IV, § 405, Oct. 12, 1984, 98 Stat. 2198; renumbered § 204 of Pub. L. 93–247, and amended Pub. L. 101–126, §§ 2(a), 3(a)(3), (c)(1), 4(d), Oct. 25, 1989, 103 Stat. 764, 766, 767; Pub. L. 102–295, title I, § 123, May 28, 1992, 106 Stat. 198, established requirement for State grant eligibility, prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

§ 5116d. Application

A grant may not be made to a State under this subchapter unless an application therefor 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 5116a of this title, including—

(1) a description of the lead entity that will be responsible for the administration of funds provided under this subchapter and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 5116a of this title;

(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this subchapter and sub-

chapter I of this chapter, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

(3) an assurance that an inventory of current family resource programs, respite care, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

(4) a budget for the development, operation and expansion of the State's network of community-based, prevention-focused, family resource and support programs 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 subchapter (in cash, not in-kind) for activities under this subchapter;

(5) an assurance that funds received under this subchapter will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

(6) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and 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, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

(8) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups;

(9) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs 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 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 prevention-focused, family resource and support program services to children and families; and

(13)[1] an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

(Pub. L. 93–247, title II, § 205, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3083.)

[1] So in original. No par. (12) has been enacted.

PRIOR PROVISIONS

A prior section 5116d, Pub. L. 93–247, title II, § 205, formerly Pub. L. 98–473, title IV, § 406, Oct. 12, 1984, 98 Stat. 2198; renumbered § 205 of Pub. L. 93–247, and amended Pub. L. 101–126, §§ 2(a), 3(a)(3), (c)(1), (2), 4(e), Oct. 25, 1989, 103 Stat. 764, 766, 767; Pub. L. 102–295, title I, § 124, May 28, 1992, 106 Stat. 198, related to grant allotments, required use of grants, and grant application requirements, prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5116, 5116f of this title.

§ 5116e. Local program requirements

(a) In general

Grants made under this subchapter shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs 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;

(2) develop a strategy to provide, over time, a continuum of preventive, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

(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;

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

(C) 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 development and intervention services;

(iii) referral to services and supports to meet the additional needs of families with children with disabilities;

(iv) referral to job readiness services;

(v) referral to educational services, such as 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;

(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 family resource and support program services; and

(6) participate with other community-based, prevention-focused, family resource and support program grantees in the development, operation and expansion of the Statewide network.

(b) Priority

In awarding local grants under this subchapter, 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 family resource and support programs.

(Pub. L. 93–247, title II, § 206, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3085.)

PRIOR PROVISIONS

A prior section 5116e, Pub. L. 93–247, title II, § 206, formerly Pub. L. 98–473, title IV, § 407, Oct. 12, 1984, 98 Stat. 2199; renumbered § 206 of Pub. L. 93–247, and amended Pub. L. 101–126, §§ 2(a), 3(a)(3), (c)(1), 4(f), Oct. 25, 1989, 103 Stat. 764, 766, 768, related to withholding of grant payments upon failure to comply with provisions of this subchapter, prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

§ 5116f. Performance measures

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

(1) shall demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this subchapter;

(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 5116a of this title;

(3) shall demonstrate the establishment of new respite care and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 5116d(3) of this title;

(4) shall describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this subchapter;

(5) shall demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

(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 Statewide network of community-based, prevention-focused, family resource and support programs;

(7) shall describe the results of 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,[1] prevention-focused, family resource and support programs.

(Pub. L. 93–247, title II, § 207, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3086.)

PRIOR PROVISIONS

A prior section 5116f, Pub. L. 93–247, title II, § 207, formerly Pub. L. 98–473, title IV, § 408, Oct. 12, 1984, 98 Stat. 2199; renumbered § 207 of Pub. L. 93–247, and amended Pub. L. 101–126, §§ 2(a), 3(a)(3), (c)(1), 4(g), Oct. 25, 1989, 103 Stat. 764, 766, 768, related to audits of grant recipients, prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

§ 5116g. National network for community-based family resource programs

The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State—

(1) to create, operate and maintain a peer review process;

(2) to create, operate and maintain an information clearinghouse;

(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

(4) to create, operate and maintain a computerized communication system between lead entities; and

(5) to fund State-to-State technical assistance through bi-annual conferences.

(Pub. L. 93–247, title II, § 208, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3086.)

PRIOR PROVISIONS

A prior section 5116g, Pub. L. 93–247, title II, § 208, formerly Pub. L. 98–473, title IV, § 409, Oct. 12, 1984, 98 Stat. 2199; renumbered § 208 of Pub. L. 93–247, and amended Pub. L. 101–126, §§ 2(a), 3(a)(3), (c)(3), 4(h), Oct. 25, 1989, 103 Stat. 764, 766, 768, related to reports to Congress, prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

§ 5116h. Definitions

For purposes of this subchapter:

(1) Children with disabilities

The term ''children with disabilities'' has the same meaning given such term in section 1401(a)(2)[1] of title 20.

(2) Community referral services

The term ''community referral services'' means services provided under contract or

[1] So in original. Probably should be ''community-based,''.

[1] So in original. Probably should be section ''1401(a)(1)''.

through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite care services, health and mental health services, employability development and job training, and other social services, including early developmental screening of children, through help lines or other methods.

(3) Family resource and support program

The term ''family resource and support program'' means a community-based, prevention-focused entity that—

(A) provides, through direct service, the core services required under this subchapter, including—

(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

(ii) services to facilitate the ability of parents to serve as resources to one another (such as through mutual support and parent self-help groups);

(iii) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources[2] and support program activities;

(iv) community and social services to assist families in obtaining community resources; and

(v) follow-up services;

(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite care services; and

(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including—

(i) child care, early childhood development and early intervention services;

(ii) referral to self-sufficiency and life management skills training;

(iii) referral to education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

(iv) referral to services providing job readiness skills;

(v) child abuse and neglect prevention activities;

(vi) referral to services that families with children with disabilities or special needs may require;

(vii) community and social service referral, including early developmental screening of children;

(viii) peer counseling;

(ix) referral for substance abuse counseling and treatment; and

(x) help line services.

(4) Outreach services

The term ''outreach services'' means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

(5) Respite care services

The term ''respite care services'' means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

(A) are in danger of abuse or neglect;

(B) have experienced abuse or neglect; or

(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

(Pub. L. 93–247, title II, § 209, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3087.)

§ 5116i. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter, $66,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.

(Pub. L. 93–247, title II, § 210, as added Pub. L. 104–235, title I, § 121, Oct. 3, 1996, 110 Stat. 3088.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5116b of this title.

SUBCHAPTER IV—TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES

§§ 5117 to 5117d. Repealed. Pub. L. 104–235, title I, § 142(a), Oct. 3, 1996, 110 Stat. 3089

Section 5117, Pub. L. 99–401, title II, § 202, Aug. 27, 1986, 100 Stat. 907, related to congressional findings for this subchapter.

Section 5117a, Pub. L. 99–401, title II, § 203, Aug. 27, 1986, 100 Stat. 907; Pub. L. 101–127, § 2(1), Oct. 25, 1989, 103 Stat. 770, related to temporary child care for children with disabilities and chronically ill children.

Section 5117b, Pub. L. 99–401, title II, § 204, Aug. 27, 1986, 100 Stat. 907, related to crisis nurseries for children who are abused and neglected, at high risk of abuse and neglect, or who are in families receiving child protective services.

Section 5117c, Pub. L. 99–401, title II, § 205, Aug. 27, 1986, 100 Stat. 908; Pub. L. 101–127, §§ 2(2), 3, 4, Oct. 25, 1989, 103 Stat. 770, 771; Pub. L. 101–476, title IX, § 901(a)(3), (g), Oct. 30, 1990, 104 Stat. 1142, 1151; Pub. L. 102–295, title II, § 202, May 28, 1992, 106 Stat. 200, related to administrative provisions.

Section 5117d, Pub. L. 99–401, title II, § 206, Aug. 27, 1986, 100 Stat. 909; Pub. L. 100–403, § 1, Aug. 19, 1988, 102 Stat. 1013; Pub. L. 101–127, § 5, Oct. 25, 1989, 103 Stat. 771; Pub. L. 102–295, title II, § 203, May 28, 1992, 106 Stat. 200, related to authorization of appropriations for carrying out this subchapter.

EFFECTIVE DATE

Section 207 of title II of Pub. L. 99–401 which provided that title II of Pub. L. 99–401 was effective Oct. 1, 1986, was repealed by Pub. L. 104–235, title I, § 142(a), Oct. 3, 1996, 110 Stat. 3089.

SHORT TITLE

Section 201 of title II of Pub. L. 99–401, as amended by Pub. L. 101–127, § 6, Oct. 25, 1989, 103 Stat. 772, which pro-

[2] So in original. Probably should be ''resource''.

vided that title II of Pub. L. 99–401 be cited as the ''Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986'', was repealed by Pub. L. 104–235, title I, § 142(a), Oct. 3, 1996, 110 Stat. 3089.

SUBCHAPTER V—CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS

§§ 5118 to 5118e. Repealed. Pub. L. 104–235, title I, § 131, Oct. 3, 1996, 110 Stat. 3088

Section 5118, Pub. L. 93–247, title III, § 301, as added Pub. L. 101–645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4755, related to demonstration grants for prevention of inappropriate separation from family and for prevention of child abuse and neglect.

Section 5118a, Pub. L. 93–247, title III, § 302, as added Pub. L. 101–645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4757, related to joint training of appropriate service personnel with respect to certain subjects and additional authorized activities for which a grantee may expend grant funds.

Section 5118b, Pub. L. 93–247, title III, § 303, as added Pub. L. 101–645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4757, related to additional agreements required of agencies, evaluations of effectiveness of demonstration programs, report to Congress, and restriction on use of grant to purchase or improve real property.

Section 5118c, Pub. L. 93–247, title III, § 304, as added Pub. L. 101–645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4759, related to required submission of description of intended uses of grant.

Section 5118d, Pub. L. 93–247, title III, § 305, as added Pub. L. 101–645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4759, related to requirement of submission of application for grant.

Section 5118e, Pub. L. 93–247, title III, § 306, as added Pub. L. 101–645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4760; amended Pub. L. 102–295, title I, § 131, May 28, 1992, 106 Stat. 199, related to authorization of appropriations for carrying out this subchapter.

SUBCHAPTER VI—CHILD ABUSE CRIME INFORMATION AND BACKGROUND CHECKS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3759 of this title.

§ 5119. Reporting child abuse crime information

(a) In general

In each State, an authorized criminal justice agency of the State shall report child abuse crime information to, or index child abuse crime information in, the national criminal history background check system. A criminal justice agency may satisfy the requirement of this subsection by reporting or indexing all felony and serious misdemeanor arrests and dispositions.

(b) Provision of State child abuse crime records through national criminal history background check system

(1) Not later than 180 days after December 20, 1993, the Attorney General shall, subject to availability of appropriations—

(A) investigate the criminal history records system of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line basis through the national criminal history background check system;

(B) in consultation with State officials, establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of criminal history records and other procedures for carrying out this subchapter; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of each State timetable that the State—

(A) by not later than the date that is 5 years after December 20, 1993, have in a computerized criminal history file at least 80 percent of the final dispositions that have been rendered in all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain a reporting rate of at least 80 percent for final dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve 100 percent disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) Liaison

An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) Annual summary

(1) The Attorney General shall publish an annual statistical summary of child abuse crimes.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) Annual report

The Attorney General shall, subject to the availability of appropriations, publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal history background check system.

(f) Study of child abuse offenders

(1) Not later than 180 days after December 20, 1993, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State; and

(C) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 2 years after December 20, 1993, the Administrator shall submit a report to

the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

(Pub. L. 103–209, §2, Dec. 20, 1993, 107 Stat. 2490; Pub. L. 103–322, title XXXII, §320928(b), (h), (i), Sept. 13, 1994, 108 Stat. 2132, 2133.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b)(1)(B), was in the original ''this Act'', meaning Pub. L. 103–209, Dec. 20, 1993, 107 Stat. 2490, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 5101 of this title and Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–322, §320928(b), inserted at end ''A criminal justice agency may satisfy the requirement of this subsection by reporting or indexing all felony and serious misdemeanor arrests and dispositions.''

Subsec. (b)(2)(A). Pub. L. 103–322, §320928(i), substituted ''5 years after'' for ''3 years after''.

Subsec. (f)(2). Pub. L. 103–322, §320928(h), substituted ''2 years'' for ''1 year''.

GUIDELINES FOR ADOPTION OF SAFEGUARDS BY CARE PROVIDERS AND STATES FOR PROTECTING CHILDREN, THE ELDERLY, OR INDIVIDUALS WITH DISABILITIES FROM ABUSE

Section 320928(g) of Pub. L. 103–322 provided that:

''(1) IN GENERAL.—The Attorney General, in consultation with Federal, State, and local officials, including officials responsible for criminal history record systems, and representatives of public and private care organizations and health, legal, and social welfare organizations, shall develop guidelines for the adoption of appropriate safeguards by care providers and by States for protecting children, the elderly, or individuals with disabilities from abuse.

''(2) MATTERS TO BE ADDRESSED.—In developing guidelines under paragraph (1), the Attorney General shall address the availability, cost, timeliness, and effectiveness of criminal history background checks and recommend measures to ensure that fees for background checks do not discourage volunteers from participating in care programs.

''(3) DISSEMINATION.—The Attorney General shall, subject to the availability of appropriations, disseminate the guidelines to State and local officials and to public and private care providers.''

§5119a. Background checks

(a) In general

(1) A State may have in effect procedures (established by State statute or regulation) that require qualified entities designated by the State to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether a provider has been convicted of a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities.

(2) The authorized agency shall access and review State and Federal criminal history records through the national criminal history background check system and shall make reasonable efforts to respond to the inquiry within 15 business days.

(b) Guidelines

The procedures established under subsection (a) of this section shall require—

(1) that no qualified entity may request a background check of a provider under subsection (a) of this section unless the provider first provides a set of fingerprints and completes and signs a statement that—

(A) contains the name, address, and date of birth appearing on a valid identification document (as defined in section 1028 of title 18) of the provider;

(B) the provider has not been convicted of a crime and, if the provider has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(C) notifies the provider that the entity may request a background check under subsection (a) of this section;

(D) notifies the provider of the provider's rights under paragraph (2); and

(E) notifies the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to a person to whom the qualified entity provides care;

(2) that each provider who is the subject of a background check is entitled—

(A) to obtain a copy of any background check report; and

(B) to challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency;

(3) that an authorized agency, upon receipt of a background check report lacking disposition data, shall conduct research in whatever State and local recordkeeping systems are available in order to obtain complete data;

(4) that the authorized agency shall make a determination whether the provider has been convicted of, or is under pending indictment for, a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities and shall convey that determination to the qualified entity; and

(5) that any background check under subsection (a) of this section and the results thereof shall be handled in accordance with the requirements of Public Law 92–544.

(c) Regulations

(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this subchapter, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

(d) Liability

A qualified entity shall not be liable in an action for damages solely for failure to conduct a criminal background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be lia-

ble in an action for damages for the failure of a qualified entity (other than itself) to take action adverse to a provider who was the subject of a background check.

(e) Fees

In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted with fingerprints on a person who volunteers with a qualified entity, the fees collected by authorized State agencies and the Federal Bureau of Investigation may not exceed eighteen dollars, respectively, or the actual cost, whichever is less, of the background check conducted with fingerprints. The States shall establish fee systems that insure that fees to nonprofit entities for background checks do not discourage volunteers from participating in child care programs.

(Pub. L. 103–209, § 3, Dec. 20, 1993, 107 Stat. 2491; Pub. L. 103–322, title XXXII, § 320928(a)(1), (2), (c), (e), Sept. 13, 1994, 108 Stat. 2131, 2132.)

REFERENCES IN TEXT

Public Law 92–544, referred to in subsec. (b)(5), is Pub. L. 92–544, Oct. 25, 1972, 86 Stat. 1109. Provisions relating to use of funds for the exchange of identification records are contained in section 201 of Pub. L. 92–544, which is set out as a note under section 534 of Title 28, Judiciary and Judicial Procedure. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103–322, § 320928(a)(1), substituted ''the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities'' for ''an individual's fitness to have responsibility for the safety and well-being of children''.

Subsec. (b)(1)(E). Pub. L. 103–322, § 320928(a)(2)(A), substituted ''to a person to whom the qualified entity provides care'' for ''to a child to whom the qualified entity provides child care''.

Subsec. (b)(4). Pub. L. 103–322, § 320928(a)(2)(B), substituted ''the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities'' for ''an individual's fitness to have responsibility for the safety and well-being of children''.

Subsec. (d). Pub. L. 103–322, § 320928(c), inserted ''(other than itself)'' after ''failure of a qualified entity''.

Subsec. (e). Pub. L. 103–322, § 320928(e), substituted ''eighteen dollars, respectively, or the actual cost, whichever is less,'' for ''the actual cost''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14072 of this title.

§ 5119b. Funding for improvement of child abuse crime information

(a) Omitted

(b) Additional funding grants for improvement of child abuse crime information

(1) The Attorney General shall, subject to appropriations and with preference to States that, as of December 20, 1993, have in computerized criminal history files the lowest percentages of charges and dispositions of identifiable child abuse cases, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subchapter;

(B) for the improvement of existing computerized criminal history files for the purposes of this subchapter;

(C) to improve accessibility to the national criminal history background check system for the purposes of this subchapter;

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal history background check system for the purposes of this subchapter; and

(E) to assist the State in paying all or part of the cost to the State of conducting background checks on persons who are employed by or volunteer with a public, not-for-profit, or voluntary qualified entity to reduce the amount of fees charged for such background checks.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1994, 1995, 1996, and 1997.

(c) Withholding State funds

Effective 1 year after December 20, 1993, the Attorney General may reduce, by up to 10 percent, the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3701 et seq.] that is not in compliance with the requirements of this subchapter.

(Pub. L. 103–209, § 4, Dec. 20, 1993, 107 Stat. 2493; Pub. L. 103–322, title XXXII, § 320928(d), Sept. 13, 1994, 108 Stat. 2132.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197, as amended. Title I of the Act is classified principally to chapter 46 (§ 3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

CODIFICATION

Section is comprised of section 4 of Pub. L. 103–209. Subsec. (a) of section 4 of Pub. L. 103–209 amended section 3759(b) of this title.

AMENDMENTS

1994—Subsec. (b)(1)(E). Pub. L. 103–322, which directed the amendment of subsec. (b) by adding subpar. (E) at the end, was executed by adding subpar. (E) at the end of par. (1) of subsec. (b) to reflect the probable intent of Congress.

AVAILABILITY OF VIOLENT CRIME REDUCTION TRUST FUND TO FUND ACTIVITIES AUTHORIZED BY THE BRADY HANDGUN VIOLENCE PREVENTION ACT AND THE NATIONAL CHILD PROTECTION ACT OF 1993

For appropriations for amounts authorized in subsec. (b) of this section from the Violent Crime Reduction Trust Fund established by section 14211 of this title, see section 210603(a) of Pub. L. 103–322, set out as a note under section 922 of Title 18, Crimes and Criminal Procedure.

§ 5119c. Definitions

For the purposes of this subchapter—

(1) the term ''authorized agency'' means a division or office of a State designated by a State to report, receive, or disseminate information under this subchapter;

(2) the term ''child'' means a person who is a child for purposes of the criminal child abuse law of a State;

(3) the term ''child abuse crime'' means a crime committed under any law of a State that involves the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by any person;

(4) the term ''child abuse crime information'' means the following facts concerning a person who has been arrested for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the child abuse crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, or convicted of, a child abuse crime;

(5) the term ''care'' means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities;

(6) the term ''identifiable child abuse crime case'' means a case that can be identified by the authorized criminal justice agency of the State as involving a child abuse crime by reference to the statutory citation or descriptive label of the crime as it appears in the criminal history record;

(7) the term ''individuals with disabilities'' means persons with a mental or physical impairment who require assistance to perform one or more daily living tasks;

(8) the term ''national criminal history background check system'' means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(9) the term ''provider'' means—

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(10) the term ''qualified entity'' means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; and

(11) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

(Pub. L. 103–209, § 5, Dec. 20, 1993, 107 Stat. 2493; Pub. L. 103–322, title XXXII, § 320928(a)(3), (j), Sept. 13, 1994, 108 Stat. 2132, 2133.)

AMENDMENTS

1994—Par. (5). Pub. L. 103–322, § 320928(a)(3)(A), amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''the term 'child care' means the provision of care, treatment, education, training, instruction, supervision, or recreation to children by persons having unsupervised access to a child;''.

Pars. (6), (7). Pub. L. 103–322, § 320928(j)(2), added pars. (6) and (7). Former pars. (6) and (7) redesignated (8) and (9), respectively.

Par. (8). Pub. L. 103–322, § 320928(j)(1), redesignated par. (6) as (8). Former par. (8) redesignated (10).

Pub. L. 103–322, § 320928(a)(3)(B), substituted ''care'' for ''child care'' wherever appearing.

Pars. (9) to (11). Pub. L. 103–322, § 320928(j)(1), redesignated pars. (7) to (9) as (9) to (11), respectively.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CHAPTER 68—DISASTER RELIEF

SUBCHAPTER I—FINDINGS, DECLARATIONS, AND DEFINITIONS

Sec.
5121. Congressional findings and declarations.
5122. Definitions.

SUBCHAPTER II—DISASTER PREPAREDNESS ASSISTANCE

5131. Federal and State disaster preparedness programs.
(a) Utilization of services of other agencies.
(b) Technical assistance for the development of plans and programs.
(c) Grants to States for development of plans and programs.
(d) Grants for improvement, maintenance, and updating of State plans.
5132. Disaster warnings.
(a) Readiness of Federal agencies to issue warnings to State and local officials.
(b) Technical assistance to State and local governments for effective warnings.
(c) Warnings to governmental authorities and public endangered by disaster.
(d) Agreements with commercial communications systems for use of facilities.

SUBCHAPTER III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

5141. Waiver of administrative conditions.
5142. Repealed.
5143. Coordinating officers.
(a) Appointment of Federal coordinating officer.
(b) Functions of Federal coordinating officer.
(c) State coordinating officer.
5144. Emergency support teams.
5145, 5146. Repealed.
5147. Reimbursement of Federal agencies.
5148. Nonliability of Federal Government.
5149. Performance of services.
(a) Utilization of services or facilities of State and local governments.
(b) Appointment of temporary personnel, experts, and consultants; acquisition, rental, or hire of equipment, services, materials and supplies.
5150. Use of local firms and individuals.