AMENDMENTS

2009—Pub. L. 111–13 substituted “fiscal years 2010 through 2014” for “fiscal years 1994 through 1996” in subsecs. (a) and (b).

1996—Pub. L. 104–82 amended section generally. Prior to amendment, section read as follows:

“(a) There is authorized to be appropriated for the administration of this chapter, as authorized in subchapter IV of this chapter, $25,312,000 for each of the fiscal years 1987, 1988, and 1989. In addition to the amounts authorized to be appropriated for the administration of this chapter by the preceding sentence, there is authorized to be appropriated the aggregate sum of $500,000 for fiscal years 1987 and 1988 to be available for support of drug abuse prevention.

“(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this chapter, as authorized in subchapter IV of this chapter, 20 percent of the total amount appropriated under sections 5081 and 5082 of this title.

1989—Pub. L. 101–204 designated existing provisions as subsec. (a) and added subsec. (b).

1986—Pub. L. 99–570 inserted at end “In addition to the amounts authorized to be appropriated for the administration of this chapter by the preceding sentence, there is authorized to be appropriated the aggregate sum of $500,000 for fiscal years 1987 and 1988 to be available for support of drug abuse prevention.”

Pub. L. 99–531 substituted “$25,312,000 for each of the fiscal years 1987, 1988, and 1989” for “$25,800,000 for fiscal year 1984, $27,000,000 for fiscal years 1984 and 1985, and $28,000,000 for fiscal year 1986”.

1984—Pub. L. 98–288 substituted “$25,800,000 for fiscal year 1984, $27,000,000 for fiscal year 1985, and $28,000,000 for fiscal year 1986” for “$30,091,000 for fiscal year 1982 and $29,348,000 for fiscal year 1983”.


AMENDMENT

Effective Date of 2009 Amendment

Effective Date of 1993 Amendment

Effective Date of 1986 Amendment

§ 5085. Availability of Appropriations

Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this chapter or any predecessor authority shall remain available, in accordance with the provisions of this chapter, for obligation and expenditure until expended.


REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 93–113, Oct. 1, 1973, 87 Stat.


Section 5091g. Pub. L. 93–113, title VII, § 708, as added Pub. L. 101–610, title II, § 211, Nov. 16, 1990, 104 Stat. 3176, directed that services and activities be carried out through arrangements or under contracts with certain entities.


Effective Date of Repeal
Subchapter repealed effective Oct. 1, 1993, see section 392 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 4951 of this title.

CHAPTER 67—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM

Subchapter I—General Program
§ 5101

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.

§ 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.


AMENDMENTS


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.


Subsec. (b)(3), (4). Pub. L. 99–401, § 108(a)(1), redesignated former pars. (2) and (3) as (3) and (4), respectively. Former par. (4) redesignated (6).


Subsec. (b)(7). Pub. L. 99–401, § 108(a)(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, § 108(a)(1), redesignated former pars. (6) and (7) as (8) and (9), respectively.


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, with consideration given to the extent to which incidents of abuse and neglect are in the number or severity of cases, and the extent to which children are removed from their homes and placed in substitute care. 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 abuse and neglect are in number or severity, and the extent to which children are removed from their homes and placed in substitute care."

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."


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.


Section 1 of Pub. L. 98–457 provided: “That this Act [enacting chapter 110 of this title, amending this section and sections 5102 to 5105 of this title] may be cited as the ‘Child Abuse Amendments of 1984.’”

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 Act of 1986’, see section 201 of Pub. L. 99–401, for—

‘(a) No provision of this Act or any amendment made by this Act may be so construed as to authorize the Secretary of Health and Human Services—

(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]; and

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

(b) more children suffer neglect than any other form of maltreatment and close to ½ of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone; and

(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 there- by.”

Section 2 of Pub. L. 93–247, § 2, Aug. 25, 1972, 86 Stat. 315, 316, as amended by Pub. L. 99–401, provided that: “(A) 10 years after the date it is made; or

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

Congressional Findings

The problem of child abuse and neglect requires a comprehensive approach that—

(A) integrates the work of social service, legal, health, mental health, domestic violence services, education, and substance abuse agencies and community-based organizations;

(B) strengthens coordination among all levels of government, and with private agencies, civic, reli-
gious, and professional organizations, and individual volunteers;

“(C) emphasizes the need for abuse and neglect prevention, assessment, investigation, and treatment at the neighborhood level;

“(D) recognizes the need for properly trained staff with the qualifications needed, to carry out their child protection duties; and

“(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;

“(7) 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;

“(8) all elements of American society have a shared responsibility in responding to child abuse and neglect;

“(9) 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;

“(10) national policy should strengthen families to prevent child abuse and neglect, provide support for needed services to prevent the unnecessary removal of children from families, and promote the reunification of families where appropriate;

“(11) 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;

“(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;

“(13) because of the limited resources available in low-income communities, Federal aid for the child prevention, intervention, and treatment, or neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

“(A) law (including the judiciary);

“(B) psychology (including child development);

“(C) social services (including child protective services);

“(D) health care providers (including pediatricians);

“(E) State and local government;

“(F) organizations providing services to disabled persons;

“(G) organizations providing services to adolescents;

“(H) teachers;

“(I) parent self-help organizations;

“(J) parents’ groups;

“(K) voluntary groups;

“(L) family rights groups;

“(M) children’s rights advocates; and

“(N) 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;

“(13) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;

“(14) the Federal Government should support States and communities with the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child and family protection strategy; and

“(15) 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.”

DEFINITIONS

“§ 142(a), Dec. 20, 2010, 124 Stat. 3482, provided that: ‘‘In this Act [see Short Title note above],

“(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 ‘child with a disability’ means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act [20 U.S.C. 1401], or an infant or toddler with a disability as defined in section 632 of such Act [20 U.S.C. 1432];

“(4) the term ‘Governor’ means the chief executive officer of a State;

“(5) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act [20 U.S.C. 450b];

“(6) the term ‘Secretary’ means the Secretary of Health and Human Services;

“(7) except as provided in section 106(f) [42 U.S.C. 5106(f)], the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

“(8) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11434a].’’

§ 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) health care providers (including pediatricians);

“(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;

“(13) children’s rights advocates; and
(14) Indian tribes or tribal organizations.

(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, tribal, and local child abuse and neglect activities with similar activities at the Federal, State, tribal, and local level pertaining to family violence prevention;

(2) specific modifications needed in Federal, State, and tribal 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 child 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.


AMENDMENTS

2019—Subsec. (c)(4). Pub. L. 111–320, § 111(1)(A), substituted “health care providers (including pediatricians)” for “medicine (including pediatrics)”.


Subsec. (f)(2). Pub. L. 111–320, § 111(2)(B), substituted “Federal, State, and tribal” for “Federal and State” and “child abuse or neglect which” for “abuse or neglect which”.

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).


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.


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 129 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 5(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 5(b)(2)(K) of the Act (as added by section 123(b) 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.

LIMITATIONS ON USE OF APPROPRIATED FUNDS


Similar provisions were contained in the following prior appropriation acts:


§ 5103

§ 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 and neglect.

(b) Functions

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

(1) maintain, coordinate, and disseminate information on effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for broad-scale implementation and replication;

(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse and neglect;

(3) maintain and disseminate information on best practices relating to differential response;

(4) maintain and disseminate information about the best practices used for achieving improvements in child protective systems;

(5) 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 (42 U.S.C. 5105 note); and

(C) the incidence of any such cases related to substance abuse;

(6) provide technical assistance upon request that 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;

(7) collect 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, judicial, medical, mental health, education, child welfare, substance abuse treatment services, and domestic violence services personnel; and

(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 10410(b) of this title, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.

(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 on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;

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

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

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

(iii) information about the incidence and characteristics of child abuse and neglect in circumstances in which domestic violence is present; and

(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;

(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) of this title;

(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of victims of child abuse or neglect; and
(G) 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.


REFERENCES IN TEXT
Section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988, referred to in subsec. (b)(5)(B), is section 105(a)(1) of Pub. L. 100–294, which is set out as a note under section 5105 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. 104–255.

AMENDMENTS


Subsec. (b). Pub. L. 111–320, §112(2), added pars. (1) to (3) and (8), redesignated former pars. (2) to (5) as (4) to (7), respectively, in par. (4) inserted “and disseminate” after “maintain”, in par. (5)(B) inserted “(42 U.S.C. 5105 note)” before semicolon, in par. (6)(C) substituted “and neglect” before period at end.

Subsec. (c)(1)(B). Pub. L. 111–320, §112(3)(A), redesignated (1)(A) and realigned margin.

Subsec. (c)(1)(C). Pub. L. 111–320, §112(3)(B), redesignated (1)(C) and realigned margin.

Subsec. (c)(1)(D). Pub. L. 111–320, §112(3)(C), redesignated (1)(D) and realigned margin.


2003—Subsec. (b)(1). Pub. L. 108–36, §111(a)(1), substituted “all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;” for “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”.

Subsec. (b)(2). Pub. L. 108–36, §111(a)(2)–(4), added par. (2) and redesignated former par. (2) as (3) and substituted a semicolon for period at end.


Subsec. (c)(1)(E). Pub. L. 108–36, §111(b)(1), made technical amendment to reference to section 5105(a) of this title to reflect renumbering of corresponding section of original act and struck out “and” at end.

Subsec. (c)(1)(F). Pub. L. 108–36, §111(b)(2), (3), added subpar. (F) and redesignated former subpar. (F) as (G).

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)(1). Pub. L. 104–235, §104(2)(B), 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.


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)(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)(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”.


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


Subsec. (c)(3). Pub. L. 104–235, §104(3)(B), redesignated par. (3) 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...
$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, including longitudinal research, that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of victims of child abuse or neglect, 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, including the effects of child abuse and neglect on a child’s development and the identification of successful early intervention services or other services that are needed;

(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate;

(D) appropriate, effective and culturally sensitive investigative, administrative, and judicial systems, including multidisciplinary, coordinated decisionmaking procedures with respect to cases of child abuse and neglect;

(E) the evaluation and dissemination of best practices, including best practices to meet the needs of special populations, consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (14) of section 5106a(a) of this title;

(F) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

(G) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between—

(i) the child protective service system; and

(ii) the medical community, including providers of mental health and developmental disability services; and

(II) providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect;

(H) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;
(I) effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their nonabusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;

(J) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low-income children who need health services, including mental health services;

(K) the impact of child abuse and neglect on the incidence and progression of disabilities;

(L) the nature and scope of effective practices relating to differential response, including an analysis of best practices conducted by the States;

(M) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities;

(N) the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of paragraph (1)(O).

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

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

(ii) the incidence of substantiated and unsubstantiated reported child abuse and neglect 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 and neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or 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;

(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year;

(x) the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, are being screened out solely on the basis of the cross-jurisdictional complications; and

(xi) the incidence and outcomes of child abuse and neglect 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) Research

The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in clauses (i) through (xi) of paragraph (1)(O).

(3) Report

Not later than 4 years after December 20, 2010, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).

(4) Priorities

(A) In general

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

(B) Public comment

Not later than 1 years after December 20, 2010, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.

(4) Study on shaken baby syndrome

The Secretary shall conduct a study that—

(A) identifies data collected on shaken baby syndrome;

(B) determines the feasibility of collecting uniform, accurate data from all States regarding—

(i) incidence rates of shaken baby syndrome;

(ii) characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and

(iii) the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, are being screened out solely on the basis of the cross-jurisdictional complications; and

So in original. There are two pars. designated “(4)”.

So in original. Probably should be “year”.

1 So in original. Probably should refer to clauses (i) through (xi).

2 So in original. Probably should be “year”.

3 So in original. There are two pars. designated “(4)”.

1 So in original. Probably should refer to clauses (i) through (xi).
(iii) characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained.

(b) Provision of technical assistance

(1) In general

The Secretary shall provide technical assistance to State and local public and private agencies and community-based organizations, including disability organizations and persons who work with children with disabilities and providers of mental health, substance abuse treatment, and domestic violence prevention services, to assist such agencies and organizations in planning, improving, developing, and carrying out programs and activities, including replicating successful program models, 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;

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

(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.

(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, judicial, medical, mental health, education, child welfare, substance abuse, and domestic violence services personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.

(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) In general

To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and merit-based peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested.

(B) Members

In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who—

(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and

(ii) are not individuals who are officers or employees of the Administration for Children and Families.

(C) Meetings

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

(D) Criteria and guidelines

The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts.

(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) Meritorious projects

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) Explanation

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).

(e) Demonstration programs and projects

The Secretary may award grants to, and enter into contracts with, entities that are States, Indian tribes or tribal organizations, or public or private agencies or organizations (or combinations of such entities) for time-limited, demonstration projects for the following:

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

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

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

(B) to facilitate the safe exchange of children for visits with noncustodial parents in cases of domestic violence.

(2) Education identification, prevention, and treatment

The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with child care and early childhood education and care providers, preschools, and elementary and secondary schools.

(3) Risk and safety assessment tools

The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based strategies for risk and safety assessments relating to child abuse and neglect.

(4) Training

The Secretary may award grants under this subsection to entities for projects that involve research-based strategies for innovative training for mandated child abuse and neglect reporters.


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

2010—Subsec. (a)(1). Pub. L. 111–320, §§113(a)(1)(A), substituted “from child abuse or neglect and to improve the well-being of victims of child abuse or neglect” for “from abuse or neglect and to improve the well-being of abused or neglected children” in introductory provisions.


Subsec. (a)(1)(C) to (N). Pub. L. 111–320, §§113(a)(1)(C)–(K), added subpars. (C), (G), (I), and (K) to (M), redesignated subpars. (C), (D), (E), (F), (G), and (H) as (D), (E), (F), (H), (J), and (N), respectively, in subpars. (D), inserted “and neglect before” after subpar. (E), inserted “any, including best practices to meet the needs of special populations,” after “best practices” and substituted “(12)” for “(12)” in subpar. (J), substituted “low-income” for “low income”, and, in subpar. (N), substituted “clauses (i) through (x) of subgraph (O)” for “clauses (i) through (x) of subgraph (H)”.

Former subpar. (I) redesignated (O).

Subsec. (a)(1)(O). Pub. L. 111–320, §§113(a)(1)(C), (L), redesignated subpar. (I) as (O), in cls. (i) and (ii), inserted “and neglect after abuse”, in cl. (v), substituted “child abuse and neglect have” for “child abuse have”, added cl. (x) and redesignated former cl. (x) as (xi), and, in cl. (xi), substituted “child abuse and neglect” for “abuse”.

Subsec. (a)(2). Pub. L. 111–320, §§113(a)(2), substituted “clauses (i) through (xii) of paragraph (1)(O)” for “subparagraphs (i) through (ix) of paragraph (1)(I)”.


Pub. L. 111–320, §§113(a)(4), in par. (4) relating to priorities, inserted subpar. headings and, in subpar. (B), substituted “Not later than 1 years after December 20, 2010” for “Not later than 2 years after June 25, 2003”.

Subsec. (b)(1). Pub. L. 111–320, §§113(b)(1), inserted “and providers of mental health, substance abuse treatment, and domestic violence prevention services” after “disabilities”.

Subsec. (b)(3)(B). Pub. L. 111–320, §§113(b)(2), substituted “child welfare, substance abuse, and domestic violence services personnel” and “subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.” for “subjected to abuse.”

Subsec. (d)(1)(A). Pub. L. 111–320, §§113(c)(1)(A), added subpar. (A) and struck out former subpar. (A) which read as follows: “The Secretary shall, in consultation with experts in the field and other federal 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.”

Subsec. (d)(1)(B) to (D). Pub. L. 111–320, §§113(c)(1)(B), added subpars. (B) to (D) and struck out former subpar. (B) which read as follows: “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 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 expedient 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.”


Subsec. (e). Pub. L. 111–320, §§113(d)(1), substituted “entities that are States, Indian tribes or tribal organizations, or for “States or” and “such entities” for “such agencies or organizations” in introductory provisions.

Subsec. (e)(3)(A). Pub. L. 102–295, § 112(c)(3), amended subsec. (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 5103(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.


Subsec. (b). Pub. L. 95–296, § 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. 95–296, § 105(3), substituted provisions setting forth compensation and travel expense allowances for members of the Board, for provisions authorizing use of appropriated funds for required report.

CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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’s 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 unversed 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 unversed groups.

§ 5106. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations

(a) Grants for programs and projects

The Secretary may make grants to, and enter into contracts with, entities that are States, Indian tribes or tribal organizations, or public agencies or private agencies or organizations (or combinations of such entities) for programs and projects for the following purposes:

(1) Training programs

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

(A) for the training of professional and paraprofessional personnel in the fields of health care, medicine, law enforcement, judiciary, social work and child protection, education, child care, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem, who are engaged in, or intend to work in, the field of prevention, identification,
§ 5106

and treatment of child abuse and neglect, including the links between domestic violence and child abuse and neglect;

(B) to improve the recruitment, selection, and training of volunteers serving in public and private children, youth, and family service organizations in order to prevent child abuse and neglect;

(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;

(D) for training to enhance linkages among child protective service agencies and health care agencies, entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships between child protective service agencies and health care agencies that support the coordinated use of existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

(E) for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting interagency collaboration;

(F) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

(G) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

(H) for the training of personnel in childhood development including the unique needs of children under age 3;

(I) for improving the training of supervisory and nonsupervisory child welfare workers;

(J) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, other public and private welfare agencies, and agencies that provide early intervention services to promote child safety, permanence, and family stability;

(K) for cross training for child protective service workers in research-based strategies for recognizing situations of substance abuse, domestic violence, and neglect;

(L) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to infants or toddlers with disabilities with life-threatening conditions for—

(i) professionals and paraprofessional personnel concerned with the welfare of infants or toddlers with disabilities with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

(ii) the parents of such infants; and

(M) for the training of personnel in best practices relating to the provision of differential response.

(2) Triage procedures

The Secretary may award grants under this subsection to public and private 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, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

(A) 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;

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

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

(3) Mutual support programs

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

(4) Kinship care

The Secretary may award grants to public and private entities 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.

(5) Linkages among child protective service agencies and public health, mental health, substance abuse, developmental disabilities, and domestic violence service agencies

The Secretary may award grants to entities that provide linkages among State or local child protective service agencies and public health, mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for the purpose of establishing linkages that are designed to ensure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated, in accordance with all applicable Federal and State privacy laws.
(6) Collaborations between child protective service entities and domestic violence service entities

The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the nonabusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent.

(b) Discretionary grants

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

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

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

(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.

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

(i) parents of children with disabilities; and

(ii) children who have been victims of child abuse or neglect 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 child abuse and 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 a victim of child abuse or neglect regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child and reduce the possibility of child abuse and 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 an 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 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 or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects. In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.


PRIOR PROVISIONS

A prior section 105 of Pub. L. 93–247 was renumbered section 106 and is classified to section 5105 of this title.

AMENDMENTS


Subsec. (a). Pub. L. 111–320, §114(2)(A), substituted “entities that are States, Indian tribes or tribal organizations, or” for “States,” and “and such entities for “such agencies or organizations” in introductory provisions.


Subsec. (a)(1)(D). Pub. L. 111–320, §114(2)(B)(iv), substituted “enhance linkages among” for “support the enhancement of linkages between,” “entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis and health and developmental evaluations, and for partnerships” for “including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships”, and “support the coordinated use of” for “offer creative approaches to using”.

Subsec. (a)(1)(E) to (M). Pub. L. 111–320, §114(2)(B)(v) to (xi), added subpars. (E), (H), and (M), redesignated former subpars. (E) to (J) as (F), (G), and (I) to (L), respectively, in subpar. (J), substituted “other public and private welfare agencies, and agencies that provide early intervention services” for “and other public and private welfare agencies,” and, in subpar. (L), substituted “infants or toddlers with disabilities” for “disabled infants” in two places.


Subsec. (a)(4). Pub. L. 111–320, §114(2)(E)(F), struck out subpar. (A) designation and heading “In general” and struck out “in not more than 10 States” after “public and private entities”.

Subsec. (a)(5). Pub. L. 111–320, §114(2)(G), in heading, substituted “among” for “between” and “substance abuse, developmental disabilities, and domestic violence service” for “and developmental disabilities and, in text, substituted “among” for “between”, “mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for” for “mental health, and developmental disabilities agencies, for”, and “ensure” for “help assure”.


Subsec. (b)(4)(A)(ii). Pub. L. 111–320, §114(3)(A), substituted “victims of child abuse or neglect” for “neglected or abused”.


Subsec. (b)(4)(C)(iii). Pub. L. 111–320, §114(3)(C), substituted “has been a victim of child abuse or neglect” for “has been neglected and possibility of child abuse and neglect” for “possibility of abuse or neglect”.

Subsec. (b)(4)(D). Pub. L. 111–320, §114(3)(D), substituted “grantee is an” for “grantee is a” in introductory provisions.

2003—Pub. L. 108–36, §113(d), substituted “Grants to States and public or private agencies and organizations” for “Grants to public agencies and nonprofit private organizations for demonstration programs and projects’’ as section catchline.


Subsec. (a)(3)(B). Pub. L. 108–36, §113(a)(3)(B), substituted “law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAAs) and guardian ad litem,” for “law, education, social work, and other relevant fields”.

Subsec. (a)(1)(B). Pub. L. 108–36, §113(a)(3)(C), substituted “children, youth and family service organizations in order to prevent child abuse and neglect,” for “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”.


Subsec. (a)(3). Pub. L. 108–36, §113(a)(5), substituted “organizations” for “nonprofit organizations (such as Parents Anonymous)”.


Subsec. (a)(4). Pub. L. 108–36, §113(a)(7), added par. heading and struck out former heading “Other innovative programs and projects”, redesignated subpar. (B) as (A), substituted “In general” for “Kinship care” in subpar. heading, and struck out “nonprofit” before “entities” and former subpars. (A) and (C), which related, respectively, to general issues of awarding grants and grants to promote safe, family-friendly physical environments for visitation and exchange.


Subsec. (b)(1) to (3). Pub. L. 108–36, §113(b)(2)–(4), added par. (3), redesignated former paras. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which read as follows: “Projects which provide educational identification, prevention, and treatment services in cooperation with preschool and secondary schools.


Subsec. (c). Pub. L. 108–36, §113(c), struck out “demonstration” before “projects” in first sentence, inserted “or contract” after “or as a separate grant” in second sentence, and inserted at end “In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.”


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

(a) Development and operation grants

The Secretary shall make grants to the States, from allotments made under subsection (f) for 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 child abuse or neglect;

(2)(A) creating and improving the use of multidisciplinary teams and interagency, intra-agency, interstate, and intrastate protocols to enhance investigations; and

(B) improving legal preparation and representation, including—

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

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

(3) case management, including ongoing case monitoring, and delivery of services and treatment provided to children and their families;

(4) enhancing the general child protective system by developing, improving, and implementing risk and safety assessment tools and protocols, including the use of differential response;

(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;

(6) developing, strengthening, and facilitating training including—

(A) training regarding research-based strategies, including the use of differential response, to promote collaboration with the families;

(B) training regarding the legal duties of such individuals;

(C) personal safety training for case workers; and

(D) training in early childhood, child, and adolescent development;

(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;

(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;

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

(A) existing social and health services;

(B) financial assistance;

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

(D) the use of differential response in preventing child abuse and neglect;

(10) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect, including the use of differential response;

(11) 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;

(12) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

(13) supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—

(A) to provide child abuse and neglect prevention and treatment services (including linkages with education systems), and the use of differential response; and
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(b) Eligibility requirements

(1) State plan

(A) In general

To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

(B) Duration of plan

Each State plan shall—

(i) remain in effect for the duration of the State’s participation under this section; and

(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State’s strategies and programs under this section.

(C) Additional information

The State shall provide notice to the Secretary—

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

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

(2) Contents

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

(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] relating to child welfare services and family preservation and family support services;

(B) an assurance in the form of a certification by the Governor 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 an individual to report known and suspected instances of child abuse and neglect, including a State law for mandatory reporting by individuals required to report such instances;

(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born with and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to—

(I) establish a definition under Federal law of what constitutes child abuse or neglect; or

(II) require prosecution for any illegal action;

(iii) the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms, or a Fetal Alcohol Spectrum Disorder;

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

(v) triage procedures, including the use of differential response, for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;

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

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

(viii) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child’s parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this 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, as described in clause (ix);

(III) child abuse citizen review panels;

(IV) child fatality review panels;

1So in original.
(V) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

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

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

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

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

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

(xiii) provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a child fatality or near fatality;

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

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

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

(xv) provisions, procedures, and mechanisms—

(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

(II) by which individuals who disagree with an official finding of child abuse or neglect can appeal such finding;

(xvi) provisions, procedures, and mechanisms that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—

(I) to have committed murder (which would have been an offense under section 1111(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

(II) to have committed voluntary manslaughter (which would have been an offense under section 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;

(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter;

(IV) to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent;

(V) to have committed sexual abuse against the surviving child or another child of such parent; or

(VI) to be required to register with a sex offender registry under section 16913(a) of this title:

(xvii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xvi), conviction of any one of the felonies listed in clause (xvi) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (although case-by-case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);

(xviii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse or neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

(xix) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

(xx) provisions and procedures for improving the training, retention, and supervision of caseworkers;

(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).
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(xxi) provisions and procedures for requiring criminal background record checks that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household; and

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

(C) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

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

(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions); and

(iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions;

(D) a description of—

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

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

(iii) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect;

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

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

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

(E) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] comply with the requirements set forth in paragraph (1) and this paragraph;

(F) an assurance or certification that programs and training conducted under this subchapter address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.);

and

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

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

(3) Limitation

With regard to clauses (vi) and (vii) of paragraph (2)(B), 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 5116(b)(1)(A) of this title for a fiscal year shall establish not less than 1 citizen review panel.

(ii) Designation of existing entities

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

(2) Membership

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

(3) Meetings

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

(4) Functions

(A) In general

Each panel established pursuant to paragraph (1) shall—

(i) by examining the policies, procedures, and practices of State and local agencies and where appropriate, specific child protective services systems, evaluate the extent to which State and local child protection system agencies are effectively discharging their child protection responsibilities in accordance with—

(I) the State plan under subsection (b) of this section; and

(ii) the child protection standards set forth in subsection (b) of this section; and

(iii) any other criteria that the panel considers important to ensure the protection of children, including—

(I) a review of the extent to which the State and local child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.); and

(ii) a review of child fatalities and near fatalities (as defined in subsection (b)(4) of this section).

(B) Confidentiality

(i) In general

The members and staff of a panel established under paragraph (1)—

(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

(ii) shall not make public other information unless authorized by State statute.

(ii) Civil sanctions

Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

(C) Public outreach

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

(5) State assistance

Each State that establishes a panel pursuant to paragraph (1) shall—

(A) 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 shall prepare and make available to the State and the public, on an annual basis, a report containing a summary of the activities of the panel and recommendations to improve the State child protection services system.

(d) Annual State data reports

Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

(1) The number of children who were reported to the State during the year as victims of child abuse or neglect.

(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; and

(B) the number that received services during the year under the State program funded under this section or an equivalent State program; and
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(C) the number that were removed from their families during the year by disposition of the case.

(4) The number of families that received preventive services, including use of differential response, from the State during the year.

(5) The number of deaths in the State during the year resulting from child abuse or neglect.

(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

(7)(A) The number of child protective service personnel responsible for the—

(i) intake of reports filed in the previous year;

(ii) screening of such reports;

(iii) assessment of such reports; and

(iv) investigation of such reports.

(B) The average caseload for the workers described in subparagraph (A).

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

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

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

(A) information on the education, qualifications, and training requirements for such personnel, including for entry and advancement to supervisory positions;

(B) data on the education, qualifications, and training of such personnel;

(C) demographic information of the child protective service personnel; and

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

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

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

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

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

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

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

(e) Annual report by Secretary

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

(f) Allotments

(1) Definitions

In this subsection:

(A) Fiscal year 2009 grant funds

The term “fiscal year 2009 grant funds” means the amount appropriated under section 5106h of this title for fiscal year 2009, and not reserved under section 5106h(a)(2) of this title.

(B) Grant funds

The term “grant funds” means the amount appropriated under section 5106h of this title for a fiscal year and not reserved under section 5106h(a)(2) of this title.

(C) State

The term “State” means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(D) Territory

The term “territory” means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(2) In general

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

(A) $50,000; and

(B) an amount that bears the same relationship to any grant funds remaining after the number of such children in all States and territories that apply for such a grant.

(3) Allotments for decreased appropriation years

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

(4) Allotments for increased appropriation years

(A) Minimum allotments to States for increased appropriations years

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

(i) $100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than $1,000,000 but less than $2,000,000;

(ii) $125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least $2,000,000 but less than $3,000,000; and

(iii) $150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least $3,000,000.

(B) Allotment adjustment

In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

(5) Hold harmless

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


REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(2)(A), (E), (F) and (C)(4)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. 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 Table.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(1), is Pub. L. 94–142, which is classified generally to chapter 119 (§§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Table.

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (b)(2)(F), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, which is classified principally to chapter 119 (§§ 11901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 11901 of this title and Table.

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

2010—Pub. L. 111–320, §§ 115(a), substituted “child abuse or neglect” for “child abuse and neglect” in section catchline.

Subsec. (a)(1). Pub. L. 111–320, §§ 115(b)(4)(D), substituted “from allotments made under subsection (f) for” for “based on the population of children under the age of 18 in” in introductory provisions.


Subsec. (a)(6)(B) to (D). Pub. L. 111–320, §§ 115(b)(5)(B)–(D), in subpar. (B), struck out “and” at end, in subpar. (C), substituted “workers;” and for “workers;”, and added subpar. (D).

Subsec. (a)(8), (9). Pub. L. 111–320, §§ 115(b)(6)–(8), added subpar. (8), redesignated par. (10) as (9) and added subpar. (9), and struck out former pars. (8) and (9) which read as follows:

“(8) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;”.

Subsec. (a)(10). Pub. L. 111–320, §§ 115(b)(7), (9), redesignated par. (11) as (10) and inserted “, including the use of differential response” before semicolon at end.

Former par. (10) redesignated (9).


Subsec. (a)(12). Pub. L. 111–320, §§ 115(b)(7), (10), redesignated par. (13) as (12) and struck out “or” at end.

Former par. (12) redesignated (11).

Subsec. (a)(13). Pub. L. 111–320, §§ 115(b)(7), (11), redesignated par. (14) as (13), substituted “supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—” for “supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs—”.


Subsec. (b)(1). Pub. L. 111–320, §§ 115(c)(1), added par. (1) and struck out former par. (1) which related to requirement that a State submit a plan at the time of the initial grant application and every 5 years thereafter and additional requirement to provide notice of substantive changes and significant changes in how funds have been used.


Subsec. (d). Pub. L. 111–320, §§ 115(c)(2)(B), substituted “Contents” for “Coordination” in heading and, in introductory provisions, substituted “A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this subchapter, including—” for “A State plan submitted under paragraph (1) shall, to the maximum extent prac-
ticable, be coordinated with the State plan under part B of title IV of the Social Security Act 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—


Subsec. (b)(2)(B)(iv). Pub. L. 111–320, §115(c)(2)(C)(v), inserted “a victim of child abuse or neglect” for “the abused or neglected child” and inserted “including training in early childhood, child, and adolescent development,” after “to the role.”


Subsec. (b)(2)(B)(viii). Pub. L. 111–320, §115(c)(2)(C)(ix), in introductory provisions, substituted “a victim of child abuse or neglect” for “‘abused or neglected child’ and ‘danger of child abuse or neglect’”.


Subsec. (b)(2)(B)(x). Pub. L. 111–320, §115(c)(2)(C)(xi), struck out former par. (9) which related to provisions, substituted “a victim of child abuse or neglect” for “‘abused or neglected child’ and ‘danger of child abuse or neglect’”.


Subsec. (d)(1). Pub. L. 111–320, §115(e)(1), inserted “as victims of child abuse or neglect” for “as abused or neglected”.


Subsec. (d)(7). Pub. L. 111–320, §115(e)(3), added par. (7) which read as follows: “The number of child protective services workers responsible for intake and screening of reports filed in the previous year.”

Subsec. (d)(9). Pub. L. 111–320, §115(e)(4), substituted “child abuse or neglect” for “‘abuse or neglect’”.

Subsec. (d)(10). Pub. L. 111–320, §115(e)(5), added par. (10) and struck out former par. (10) which read as follows: “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.”

Subsec. (d)(11). Pub. L. 111–320, §115(e)(6), struck out “or neglect” before period at end.


Subsec. (a)(4). Pub. L. 108–36, §114(a)(2), substituted “‘developing, improving, and implementing risk and safety assessment tools and protocols’ for ‘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’.”


Subsec. (a)(6). Pub. L. 108–36, §114(a)(4), substituted “including—” and subpars. (A) to (C) for “opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system”.

Subsec. (a)(7). Pub. L. 108–36, §114(a)(5), (7), added par. (7) and struck out former par. (7) which read as follows: “developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors.”


Subsec. (a)(9). Pub. L. 108–36, §114(a)(7), added par. (9) and struck out former par. (9) which related to programs to improve the provision of services for disabled infants with life-threatening conditions.


Subsec. (a)(12). Pub. L. 108–36, §114(a)(10), redesignated par. (9) as (12) and substituted a semicolon for period at end.


in improving the State and local child protective system'.

Subsec. (d)(13). Pub. L. 108–36, § 114(d), added pars. (13) and (14).

1996—Pub. L. 104–235 reenacted section catchline without change and amended text generally, revising and restating subs. (a) and (b), substituting provisions relating to citizen review panel 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 subs. (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."


Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 102–295, § 114(b), 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) of section 114 of the Child Abuse Prevention and Treatment Act [section 5106(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 [subsection (a) of this section], as in effect on the day before the date of the enactment of this Act, continues to be in effect."


**Report**


**Congressional Findings**

Section 9(a) of Pub. L. 102–586 provided that: "The Congress finds that—"
"(2) the documentary described in paragraph (1) showed the serious need for systemic changes in our child welfare protection system;

"(3) a 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 defeated when they have the effect of protecting those responsible;

"(6) a 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."


§ 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 assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child’s family;

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

(3) the investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation; and

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

(b) Eligibility requirements

In order for a State to qualify for assistance under this section, such State shall—

(1) fulfill the requirements of section 5106a(b) of this title;

(2) establish a task force as provided in subsection (c) of this section;

(3) fulfill the requirements of subsection (d) of this section;

(4) submit annually an application to the Secretary at such time and containing such information and assurances as the Secretary considers necessary, including an assurance that the State will—

(A) make such reports to the Secretary as may reasonably be required; and

(B) maintain and provide access to records relating to activities under subsections (a) and (b) of this section; and

(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (3) of subsection (a) of this section.

(c) State task forces

(1) General rule

Except as provided in paragraph (2), a State requesting assistance under this section shall establish or designate, and maintain, a State multidisciplinary task force on children’s justice (hereinafter referred to as “State task force”) composed of professionals with knowledge and experience relating to the criminal justice system and issues of child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities. The State task force shall include—

(A) individuals representing the law enforcement community;

(B) judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect (including individuals involved with the defense as well as the prosecution of such cases);

(C) child advocates, including both attorneys for children and, where such programs are in operation, court appointed special advocates;

(D) health and mental health professionals;

(E) individuals representing child protective service agencies;

(F) individuals experienced in working with children with disabilities;

(G) parents;

(H) representatives of parents’ groups;

(I) adult former victims of child abuse or neglect; and

(J) individuals experienced in working with homeless children and youths (as defined in section 1133(a) of this title).

(2) Existing task force

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

(d) State task force study

Before a State receives assistance under this section, and at three year intervals thereafter, the State task force shall comprehensively—

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

(2) make policy and training recommendations in each of the categories described in subsection (e) of this section.

The task force may make such other comments and recommendations as are considered relevant and useful.

(e) Adoption of State task force recommendations

(1) General rule

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

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

(B) experimental, model, and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

(C) reform of State laws, ordinances, regulations, protocols, and procedures to provide comprehensive protection for children, which may include those children involved in reports of child abuse or neglect with a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, from child abuse and neglect, including 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.

§ 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.

(d) Sense of Congress

It is the sense of Congress that the Secretary should encourage all States and public and private entities that receive assistance under this subchapter to—

(1) ensure that children and families with limited English proficiency who participate in programs under this subchapter are provided with materials and services through such programs in an appropriate language other than English; and

(2) ensure that individuals with disabilities who participate in programs under this subchapter are provided with materials and services through such programs that are appropriate to their disabilities.

(e) Annual report

A State that receives funds under section 5106a(a) of this title shall annually prepare and
submit to the Secretary a report describing the manner in which funds provided under this subchapter and subchapter III of this chapter, alone or in combination with other Federal funds, were used to address the purposes and achieve the objectives of section 5106a of this title.


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

2010—Subsec. (d). Pub. L. 111–320 amended subsec. (d) generally. Prior to amendment, text read as follows: “It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this subchapter to ensure that children and families with limited English proficiency who participate in programs under this subchapter are provided materials and services under such programs in an appropriate language other than English.”

2003—Subsecs. (d), (e). Pub. L. 108–36 added subsecs. (d) and (e).

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

§5106c. 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.


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 1 year after December 20, 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after December 20, 2010, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following December 20, 2010. Not later than 5 years after December 20, 2010, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following December 20, 2010.

(b) Effectiveness of State programs and technical assistance

Not later than 2 years after December 20, 2010, and every 2 years thereafter, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 5106a of this title in achieving the objectives of section 5106a of this title.

(c) Study and report relating to citizen review panels

(1) In general

The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 5106a(c) of this title, in achieving the stated function of such panels under section 5106a(c)(4)(A) of this title of—

(A) examining the policies, procedures, and practices of State and local child protection agencies; and

(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 5106a(c)(4)(A) of this title.

(2) Content of study

The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

(C) Evidence of the adherence and responsiveness to the reporting requirements under section 5106a(c)(6) of this title by citizen review panels and States.

(3) Report

Not later than 2 years after December 20, 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).
(d) Study and report relating to immunity from prosecution for professional consultation in suspected and known instances of child abuse and neglect

(1) Study

The Secretary shall complete a study, in consultation with experts in the provision of healthcare, law enforcement, education, and local child welfare administration, that examines how provisions for immunity from prosecution under State and local laws and regulations facilitate and inhibit individuals cooperating, consulting, or assisting in making good faith reports, including mandatory reports, of suspected or known instances of child abuse or neglect.

(2) Report

Not later than 1 year after December 20, 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1) and any recommendations for statutory or regulatory changes the Secretary determines appropriate. Such report may be submitted electronically.


PRIORITY 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.


CONSIDERATION

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 “Alaska Native” has the meaning given the term “Native” in section 1602 of title 43;

(2) the term “infant or toddler with a disability” has the meaning given the term in section 1432 of title 20;

(3) the term “Native Hawaiian” has the meaning given the term in section 7517 of title 20;

(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; and

(5) 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—
(1) 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;
(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;¹

¹So in original. The semicolon probably should be a period.

2010—Par. (1). Pub. L. 111–320, § 142(b)(1), (2), redesignated par. (7) as (1), struck out par. (2), and inserted par. (1) which read as follows: "(1) 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 welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary;";

Par. (2). Pub. L. 111–320, § 142(b)(2), (3), redesignated par. (4) as (2) and amended it generally. Prior to amendment, par. (2) read as follows: "the term 'child abuse and neglect' includes—
(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;
(C) 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;";

Par. (3). Pub. L. 111–320, § 142(b)(3), redesignated par. (3) as (2) and amended par. (1)(B) to read as follows: "(B) except in the case of sexual abuse, the age
(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;";

Par. (4). Pub. L. 111–320, § 142(b)(4), redesignated par. (7) as (4) and in subpar. (B) inserted "and, in cases of caretaker or inter-familial relationships, statutory rape after "rape".

Par. (5). Pub. L. 111–320, § 142(b)(5), (6), 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. 111–320, § 142(b)(6), redesignated par. (6) as (5).


1996—Pub. L. 105–255, § 110(2)(A), redesignated par. (3) as (1) and struck out former par. (1) which read as follows: "(1) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 11434a of this title;"

Par. (2). Pub. L. 111–320, § 110(2)(A), 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 welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary;";


Par. (4). Pub. L. 111–320, § 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';".

Par. (5). Pub. L. 111–320, § 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. (7). Pub. L. 111–320, § 110(2)(A), redesignated par. (7) as (4) and (5), respectively.

Par. (8). Pub. L. 111–320, § 110(1), struck out par. (9) which read as follows: "the term 'task force' means the National Center on Child Abuse and Neglect established under section 5101 of this title;"


§5106h. Authorization of appropriations
(a) In general
(1) General authorization
There are authorized to be appropriated to carry out this subchapter $220,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2015.
(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 shall make available not more than 40 percent of such amounts to carry out section 5105 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.


Prior Provisions

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

Amendments


2003—Subsec. (a)(1). Pub. L. 108–36, §117(a), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: “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.”

Subsec. (a)(2)(B). Pub. L. 108–36, §117(b), substituted “Secretary shall make” for “Secretary make” and “section 5105” for “section 5106a”.

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 sections 5105a–1 of this title, $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999.

(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.

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

(1) 33% percent shall be available for activities under sections 5104, 5105, and 5106 of this title; and

(2) 66% 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.”

(2) 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.


Prior Provisions

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

Amendments


2003—Subsec. (a)(1). Pub. L. 108–36, §117(a), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: “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.”

Subsec. (a)(2)(B). Pub. L. 108–36, §117(b), substituted “Secretary shall make” for “Secretary make” and “section 5105” for “section 5106a”.

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 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999.

(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.

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

(1) 33% percent shall be available for activities under sections 5104, 5105, and 5106 of this title; and

(2) 66% 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.”

§ 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, child 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 the State in this subsection shall be within the sole discretion of the State.
Congress finds that—

(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings; 

(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster care brought them the additional trauma of separation from their homes and often their communities; 

(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care—

   (A) were born to mothers who did not receive prenatal care; 
   (B) were born with life-threatening conditions or disabilities; 
   (C) were born addicted to alcohol or other drugs; or 
   (D) have HIV/AIDS; 

(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families; 

(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and 

   (B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement; 

(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption; 

   (B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption; 

   (C)(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and 

   (ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older; and 

   (D)(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and 

   (ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American; 

(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care; 

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

(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children—
(A) should not have medically indicated treatment withheld from them; or
(B) 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, including geographic barriers, to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly older children, minority children, and 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 an Internet-based national adoption information exchange system to—

(A) bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

(B) conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

(C) connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and

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


AMENDMENTS

2010—Subsec. (a). Pub. L. 111–320, § 301(a)(1), added subsec. (a) and struck out former subsec. (a) which related to findings on children in institutions or foster homes.


Subsec. (b)(2). Pub. L. 111–320, § 301(a)(2)(B), added par. (2) and struck out former par. (2) which read as follows: “maintain an Internet-based 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”.

2003—Subsec. (a)(1) to (3). Pub. L. 108–36, § 201(1)(A), added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows: “(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;”.

Subsec. (a)(4). Pub. L. 108–36, § 201(1)(A), (D), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: “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;”.


Subsec. (a)(6). Pub. L. 108–36, § 201(1)(B), redesignated par. (8) as (6) and struck out former par. (6) which read as follows: “the majority of such children are of school age, members of sibling groups or disabled;”.


Subsec. (a)(7)(A). Pub. L. 108–36, § 201(1)(C), added subpar. (A) and struck out former subpar. (A) which read as follows: “currently, 40,000 children are free for adoption and awaiting placement;”.

Subsec. (a)(8) to (10). Pub. L. 108–36, § 201(1)(D), redesignated pars. (8) to (10) as (6) to (8), respectively.


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)(2). 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—”.

reb designated subs. (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 subs. (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 dis-
able 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."

STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES

Pub. L. 105–89, title II, §202(c), Nov. 19, 1997, 111 Stat. 2126, provided that:

"(1) IN GENERAL.—The Comptroller General of the United States shall—

""(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions; and

""(B) examine, at a minimum, interjurisdictional adoption issues—

""(i) concerning the recruitment of prospective adoptive families from other States and counties;

""(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

""(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States;

""(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children.

"(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act (Nov. 19, 1997), the Comptroller General shall submit to the appropriate committees of the Congress a report that includes—

""(A) the results of the study conducted under paragraph (1); and

""(B) recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements."


§ 5113. Information and services

(a) In general

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 older children, minority children, and children with special needs, particularly infants and toddlers

with disabilities who have life-threatening conditions, and services to families considering adoption of children with special needs.

(b) Required activities

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 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 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, adoption assistance programs, and post-legal adoption services;

(2) conduct, directly or by grant or contract with public or private organizations, ongoing, extensive recruitment efforts on a national level, including efforts to promote the adoption of older children, minority children, and children with special needs, 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 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 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) support the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;

(7) increase the effective use of public or private agencies (including community-based and other organizations) by States, or sectarian institutions, for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption, including assisting in efforts to work
with organizations that promote the placement of older children, minority children, and children with special needs;

(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 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;

(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

(D) identify best practices to reduce adoption disruption and termination;

(10) provide (directly or by grant to or contract with States, local government entities, tribal child welfare agencies, public or private licensed child welfare or adoption agencies or adoptive family groups and community-based organizations with experience in working with minority populations) for the implementation 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 child-specific recruitment strategies, including—

(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

(C) recruitment of prospective families for such children.

(c) Services for families adopting special needs children

(1) In general

The Secretary shall provide (directly or by grant to or contract with States, local government entities, public or private 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

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, 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;

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

(H) day treatment; and

(I) respite care.

(d) Improving placement rate of children in foster care

(1) In general

The Secretary shall make grants for improving State efforts to increase the placement of
(2) Applications; technical and other assistance

(A) Applications

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, consistent with the purpose of this subchapter. Each application shall contain information that—

(i) describes how the State plans to improve the placement rate of children in permanent homes;

(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;

(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and

(iv) describes how the State plans to coordinate activities under this subsection with relevant activities under section 673 of title 42.

(B) Technical and other assistance

The Secretary shall provide, directly or by grant to or contract with public or private 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 older children, minority children, and 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.

(C) Evaluation

The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A)(iii)) and submit a report containing the compiled results to the appropriate committees of Congress.

(3) Payments

(A) In general

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) Reversion of unused funds

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.

(e) Elimination of barriers to adoptions across jurisdictional boundaries

(1) In general

The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

(2) Services to supplement not supplant

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

(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

(B) developing models of financing cross-jurisdictional placements;

(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

(D) developing training materials and training social workers on preparing and moving children across State lines; and

(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.

Amendments

2010—Subsec. (a). Pub. L. 111–320, § 301(b)(1), substituted “older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have life-threatening conditions, and services to families considering adoption of children with special needs.” for “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)(1). Pub. L. 111–320, § 301(b)(2)(A), substituted a comma for “and” after “regarding adoption” and inserted “, and post-legal adoption services” after “adoption assistance programs”.

Subsec. (b)(2). Pub. L. 111–320, § 301(b)(2)(B), inserted “; including efforts to promote the adoption of older children, minority children, and children with special needs” after “national level”.

Subsec. (b)(7). Pub. L. 111–320, § 301(b)(2)(C), substituted “increase the effective use of” for “study the
efficacy of States contracting with” and “by States,” for the comma after “organizations)” and inserted a comma after “organizations) and”, including assisting in provisions preceding subpar. (E)).


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.


1996—Subsec. (a). Pub. L. 104–235, § 212(1), struck out end “The Secretary shall, not later than 12 months after May 29, 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)(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.

1992—Subsec. (a). Pub. L. 102–295, § 403(b)(1), inserted “, on-site technical assistance” after “consultant services” and “and counseling and training of professionals,” after “and to promote professional leadership training of minorities in the adoption field”. 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)(10). 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 to States and local governments for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system according to the requirements of this subchapter”.

Subsec. (c)(2). Pub. L. 108–36, § 202(4)(B), inserted heading, realigned margins, struck out “nonprofit” before “child welfare” in subpar. (E), and added subpars. (H) and (I).


1996—Subsec. (a). Pub. L. 104–235, § 212(1), struck out end “The Secretary shall, not later than 12 months after May 29, 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)(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.

1992—Subsec. (a). Pub. L. 102–295, § 403(b)(1), inserted “, on-site technical assistance” after “consultant services” and “and counseling and training of professionals,” after “and to promote professional leadership training of minorities in the adoption field”.

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


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)(10). 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 analy-
sis 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”.


Kinship Care

“(1) IN GENERAL.—The Secretary of Health and Human Services shall—

“(a) not later than June 1, 1998, convene an advisory panel to facilitate the interjurisdictional adoption of foster children, and to recommend for an action plan to facilitate the interjurisdictional adoption of foster children;

“(b) study the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after June 25, 2003.

(c) Interjurisdictional adoption

Not later than 1 year after June 25, 2003, the Secretary shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.

AMENDMENTS
2003—Pub. L. 108–36 designated existing provisions as subsec. (a), inserted subsec. heading and par. (1) designation, substituted “June 25, 2003” for “April 24, 1978” and “to determine” for “to determine”, struck out “which are not licensed by or subject to regulation by any governmental entity” after “by persons or agencies”, and added pars. (2) to (4) and subsecs. (b) and (c).

§5115. Authorization of appropriations

(a) There are authorized to be appropriated $40,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2015 to carry out programs and activities authorized under this subchapter.

(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 5113 of this title.

1So in original. The period probably should be a semicolon.
(c) 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.


REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this subtitle”, and was translated as reading “this title”, meaning title II of Pub. L. 95–266, to reflect the probable intent of Congress, because Pub. L. 95–266 does not contain subtitles.

AMENDMENTS


2003—Subsec. (a). Pub. L. 108–36 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “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…”

1996—Subsec. (a). Pub. L. 104–235, § 213(c), 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”.

1992—Subsec. (a). Pub. L. 104–235, § 213(c), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b).

1988—Pub. L. 100–294 added subsec. (b) and redesignated former subsec. (b) as (c).


SUBCHAPTER III—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT

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.

AMENDMENTS


$5116. Purpose and authority

(a) Purpose

It is the purpose of this subchapter—

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

(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 (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 community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that are accessible, effective, culturally appropriate, and build upon existing strengths that—

(A) offer assistance to families;

(B) provide early, comprehensive support for parents;

(C) promote the development of parenting skills, especially in young parents and parents with very young children;
(D) increase family stability;
(E) improve family access to other formal and informal resources and opportunities for assistance available within communities, including access to such resources and opportunities for unaccompanied homeless youth;
(F) support the additional needs of families with children with disabilities through respite care and other services;
(G) demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and
(H) provide referrals to early health and developmental services;

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

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

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


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 meaning section 204(3) of Pub. L. 93–247 to reflect the probable intent of Congress and the redesignation of section 205 as 204 by Pub. L. 111–320, title I, §141, Dec. 20, 2010, 124 Stat. 3462, and because section 204 does not contain subsections.

PRIOR PROVISIONS


AMENDMENTS
2010—Subsec. (a)(1). Pub. L. 111–320, §132(1), added par. (1) and struck out former par. (1) which read as follows: “to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect,” and “Subsec. (b). Pub. L. 111–320, §132(2)(A), struck out “hereafter” before “referred” in introductory provisions.

Subsec. (b)(1). Pub. L. 111–320, §132(2)(B)(i), in introductory provisions, inserted a comma after “expanding” and struck out “(through networks where appropriate)” after “child abuse and neglect”.

Subsec. (b)(1)(E). Pub. L. 111–320, §132(2)(B)(ii), inserted “, including access to such resources and opportunities for unaccompanied homeless youth” before semicolon at end.

Subsec. (b)(1)(G). Pub. L. 111–320, §132(2)(B)(iii), added subpar. (G) and struck out former subpar. (G) which read as follows: “demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and”.

Subsec. (b)(2). Pub. L. 111–320, §132(2)(C), inserted “, including unaccompanied homeless youth,” after “children and families”.

Subsec. (b)(3). Pub. L. 111–320, §132(2)(D), substituted “specific community-based child abuse and neglect prevention program services” for “specific family resource and support program services”, inserted “substance abuse treatment services, domestic violence services,” after “mental health services,” and substituted “the network of community-based child abuse and neglect prevention programs” for “the network of community-based family resource and support program”.

Subsec. (b)(4). Pub. L. 111–320, §132(2)(E), inserted “and reporting” after “information management” and struck out comma after “prevention-focused” and “(through networks where appropriate)” after “child abuse and neglect”.

2003—Subsec. (a)(1). Pub. L. 108–36, §121(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “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, children and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence preven-
tion and intervention, housing, and other human ser-
vice organizations within the State; and".

Subsec. (b)(1). Pub. L. 108–36, § 121(b)(1)(A), in intro-
ductive provisions, substituted “community-based and
prevention-focused programs and activities designed to
strengthen and support families to prevent child abuse
and neglect (through networks where appropriate) that
are accessible, effective, culturally appropriate, and
build upon existing strengths that” for “Statewide net-
worlks of community-based, prevention-focused, family
resource and support programs that”.

Subsec. (b)(1)(G), (H). Pub. L. 108–36, § 121(b)(1)(B), (C),
added subpars. (G) and (H) and struck out former sub-
par. (G) which read as follows: “decrease the risk of
homelessness.”

“through leveraging of funds” after “maximizing fund-
ing” and substituted “community-based and preven-
tion-focused” for “a Statewide network of community-
based, prevention-focused” and “programs and activi-
ties designed to strengthen and support families to pre-
vent child abuse and neglect (through networks where
appropriate)” for “family resource and support pro-
gram”.

§ 5116a. Eligibility

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

(1)(A) the Governor of the State has des-
ignated a lead entity to administer funds
under this subchapter for the purposes identi-
fied under the authority of this subchapter, in-
cluding to develop, implement, operate, en-
hance, or expand community-based and pre-
vention-focused, programs and activities de-
signed to strengthen and support families to
prevent child abuse and neglect;

(B) such lead entity is an existing public,
 quasi-public, or nonprofit private entity
(which may be an entity that has not been es-
established pursuant to State legislation, execu-
tive order, or any other written authority of
the State) that exists to strengthen and sup-
port families to prevent child abuse and ne-
glect with a demonstrated ability to work
with other State and community-based agen-
cies to provide training and technical assist-
ance, and that has the capacity and commit-
tment to ensure the meaningful involvement of
parents who are consumers and who can pro-
vide leadership in the planning, implementa-
tion, and evaluation of programs and policy
decisions of the applicant agency in accom-
plishing the desired outcomes for such efforts;

(C) in determining which entity to designate
under subparagraph (A), the Governor should
give priority consideration equally to a trust
fund advisory board of the State or to an ex-
isting 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 struc-
ture, including participants from com-

(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 le-
verage Federal, State, and private funds (as
described in subparagraph (C)) exist, the Gov-
ernor shall designate the lead entity only

after full consideration of the capacity and ex-
pertise of all entities desiring to be designated
under subparagraph (A);

(2) the Governor of the State provides assur-
ances that the lead entity will provide or will
be responsible for providing—

(A) community-based and prevention-fo-
cused programs and activities designed to
strengthen and support families to prevent
child abuse and neglect composed of local,
collaborative, public-private partnerships di-
rected by interdisciplinary structures with
balanced representation from private and
public sector members, parents, adult
former victims of child abuse or neglect, and
public and private nonprofit service provid-
ers and individuals and organizations experi-
cenced in working in partnership with fami-
lies with children with disabilities;

(B) direction through an interdisciplinary,
collaborative, public-private structure with
balanced representation from private and
public sector members, parents, adult
former victims of child abuse or neglect, and
public sector and private nonprofit sector
service providers, and parents with disabil-
ities; and

(C) direction and oversight through identi-
fied goals and objectives, clear lines of com-
munication and accountability, the provi-
sion of leveraged or combined funding from
Federal, State, and private sources, central-
ized assessment and planning activities, the
provision of training and technical assist-
ance, and reporting and evaluation func-
tions; and

(3) the Governor of the State provides assur-
ances that the lead entity—

(A) has a demonstrated commitment to pa-
rental participation in the development, op-
eration, and oversight of the community-
based and prevention-focused programs and
activities designed to strengthen and sup-
port families to prevent child abuse and ne-
glect;

(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 fam-
ilies through the community-based and pre-
vention-focused programs and activities de-
signed to strengthen and support families to
prevent child abuse and neglect;

(C) has the capacity to provide operational
support (both financial and programmatic)1
training, technical assistance, and evalua-
tion assistance, to community-based and pre-
vention-focused programs and activities
designed to strengthen and support families
to prevent child abuse and neglect, through
innovative, interagency funding and inter-
disciplinary service delivery mechanisms;
and

(D) will integrate its efforts with individu-
als and organizations experienced in work-
ing in partnership with families with chil-
dren with disabilities, parents with disabili-

1 So in original. Probably should be followed by a comma.
ities, and with the child abuse and neglect prevention activities of the State, and demon-
strate a financial commitment to those activities.


PRIOR PROVISIONS
ment of this subchapter by Pub. L. 103–252, §401(a).

AMENDMENTS
2010—Par. (1). Pub. L. 111–320, §133(1), (2), substituted “Governor” for “chief executive officer” wherever appearing, and, in subpar. (A), inserted a comma after “enhance” and struck out “(through networks where appropriate)” after “child abuse and neglect”.

Par. (2). Pub. L. 111–320, §133(2), (4), in introductory provisions, substituted “Governor” for “chief executive officer”, in subpar. (A), struck out “(through networks where appropriate)” after “child abuse and neglect”. in subpars. (A) and (B), inserted “adult former victims of child abuse or neglect,” after “parents,”, and in subpar. (C), inserted a comma after “State”.

Par. (3). Pub. L. 111–320, §133(2), (3), in introductory provisions, substituted “Governor” for “chief executive officer”, and, in subpars. (A) to (C), struck out “(through networks where appropriate)” after “child abuse and neglect”.

2003—Par. (1)(A). Pub. L. 108–36, §122(1)(A), substituted “community-based and prevention-focused” for “a Statewide network of community-based, prevention-focused” and “programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network”.

Par. (1)(B). Pub. L. 108–36, §122(1)(B), inserted “that exists to strengthen and support families to prevent child abuse and neglect” after “written authority of the State”.

Par. (2)(A). Pub. L. 108–36, §122(2)(A), substituted “community-based and prevention-focused” for “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “a network of community-based family resource and support programs”.


Par. (3)(A). Pub. L. 108–36, §122(3)(A), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “Statewide network of community-based, prevention-focused, family resource and support programs”.

Par. (3)(B). Pub. L. 108–36, §122(3)(B), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “Statewide network of community-based, prevention-focused, family resource and support programs”.

Par. (3)(C). Pub. L. 108–36, §122(3)(C), substituted “training, technical assistance, and evaluation assistance, to community-based and prevention-focused pro-
grams and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs”.


§5116b. Amount of grant

(a) Reservation

The Secretary shall reserve 1 percent of the amount appropriated under section 5116¹ 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 5116¹ of this title for a fiscal year and remaining after the reservation under subsection (a) of this section among the States as follows:

(A) 70 percent

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

(B) 30 percent

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

(2) Additional 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 (b) of this section.


REFERENCES IN TEXT
Section 5116i of this title, referred to in subsec. (a) and (b)(1), was in the original “section 210”, and was

¹See References in Text note below.

PRIOR PROVISIONS


AMENDMENTS


2003—Subsec. (b)(1)(B). Pub. L. 108–36, §123(2), substituted “as the amount of private, State or other non-Federal funds leveraged and directed through the current lead agency” for “as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the”, “State lead agency” for “State lead entity”, and “the current lead entity” for “the lead agency”.

Subsec. (c)(2). Pub. L. 108–36, §123(2), substituted “subsection (b)” for “subsection (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 community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect which meets the requirements of section 5116a of this title;

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

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

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

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

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

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

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

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

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

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


PRIOR PROVISIONS


Another prior section 204 of Pub. L. 93–247 was classified to section 5116c of this title prior to the general amendment of this subchapter by Pub. L. 103–252, §401(a).

AMENDMENTS

2010—Par. (1). Pub. L. 111–320, §135(1), struck out “‘(through networks where appropriate)’” after “child abuse and neglect”.

Par. (2). Pub. L. 111–320, §135(1), (2), struck out “‘(through networks where appropriate)” after “child abuse and neglect”, and substituted “‘including how community-based child abuse and neglect prevention’” for “‘and how family resource and support’” and “‘programs provided’” for “‘services provided’”.


Par. (6). Pub. L. 111–320, §135(4), substituted “a description of the State’s” for “an assurance that the State has that” and “consumers, of family advocates, and of adult former victims of child abuse or neglect,” for “consumers and”.


Par. (11). Pub. L. 111–320, §135(8), inserted a comma after “procedures”.

2003—Par. (1). Pub. L. 108–36, §125(1), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “‘Statewide network of community-based, prevention-focused, family resource and support programs’”.

Par. (2). Pub. L. 108–36, §125(2), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “network of community-based, prevention-focused, family resource and support programs” and struck out “‘including those funded by programs consolidated under this subchapter and subchapter I of this chapter,’” before “‘will be integrated’”.

Par. (3). Pub. L. 108–36, §125(3), added par. (3) and struck out former par. (3) which read as follows: “‘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’”.

Par. (4). Pub. L. 108–36, §125(4), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect’” for “‘State’s network of community-based, prevention-focused, family resource and support programs’”.

Par. (5). Pub. L. 108–36, §125(5), substituted “‘start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect’” for “‘Statewide network of community-based, prevention-focused, family resource and support programs’”.

Par. (7). Pub. L. 108–36, §125(6), substituted “‘community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect’” for “‘individual community-based, prevention-focused, family resource and support programs’”.

Par. (8). Pub. L. 108–36, §125(7), substituted “‘community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect’” for “‘community-based, prevention-focused, family resource and support programs’”.

Par. (9). Pub. L. 108–36, §125(8), substituted “‘community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect’” for “‘community-based, prevention-focused, family resource and support programs’”.

Par. (10). Pub. L. 108–36, §125(9), inserted “‘where appropriate’” after “members”.

Par. (11). Pub. L. 108–36, §125(10), substituted “‘community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect for’” for “‘prevention-focused, family resource and support programs’”.


§5116e. Local program requirements

(a) In general

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

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

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

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

(i) parent education, mutual support and self help, and parent leadership services;

(ii) respite care services;

(iii) outreach and followup services, which may include voluntary home visiting services; and

(iv) community and social service referrals; and

(B) provide access to optional services, including—
(i) referral to and counseling for adoption services for individuals interested in adopting a child or relinquishing their child for adoption;
(ii) child care, early childhood education and care, and intervention services;
(iii) referral to services and supports to meet the additional needs of families with children with disabilities and parents who are individuals with disabilities;
(iv) referral to job readiness services;
(v) referral to educational services, such as academic tutoring, 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;
(viii) peer counseling; and
(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.

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

(5) provide leadership in mobilizing local public and private resources to support the provision of needed child abuse and neglect prevention program services; and

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

(b) Priority

In awarding local grants under this 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 child abuse and neglect prevention programs.1


PRIOR PROVISIONS


A prior section 205 of Pub. L. 93–247 was renumbered section 204 and is classified to section 5116d of this title.

Another prior section 205 of Pub. L. 93–247 was classified to section 5116d of this title prior to the general amendment of this subchapter by Pub. L. 103–252, §401(a).

1 So in original.

AMENDMENTS

Subsec. (a)(2). Pub. L. 111–320, §136(a)(3), substituted “a comprehensive strategy to provide” for “a strategy to provide, over time,”, “family-centered” for “family centered”, and “to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect,” for “and parents with young children,”.
Subsec. (a)(3). Pub. L. 111–320, §136(a)(4)(A), struck out introductory provisions which read as follows: “provide—”.
Subsec. (a)(3)(A). Pub. L. 111–320, §136(a)(4)(A), added subpar. (A) and struck out former subpar. (A) which read as follows: “(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.”.


Subsec. (a)(3)(C). Pub. L. 111–320, §136(a)(4)(B)(i), redesignated subpar. (C) as (B), inserted “provide” before “access”, and struck out former subpar. (B) which read as follows: “other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including voluntary home visiting and all forms of respite care services to the extent practicable; and”.


Subsec. (a)(b). Pub. L. 111–320, §136(b), substituted “low-income” for “low income” and “child abuse and neglect prevention programs” for “family resource and support programs”.

2003—Subsec. (a). Pub. L. 108–36, §126(1), substituted “and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” for “prevention-focused, family resource and support programs” in introductory provisions.


Subsec. (a)(6). Pub. L. 108–36, §126(3), added par. (6) and struck out former par. (6) which read as follows: “participate with other community-based, prevention-focused, family resource and support program grantees in the development, operation and expansion of the Statewide network.”

§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 community-
based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that meets the requirements of this 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 which description shall specify whether those services are supported by research;

(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 5116d(3) of this title;

(4) shall describe the number of families served, including families with children with disabilities, and parents with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and in the design, operation, and evaluation of the networks of such programs;

(5) shall demonstrate a high level of satisfaction among families who have used the services of the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;

(6) shall demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local, and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion, and enhancement of the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;

(7) shall describe the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this subchapter in meeting the purposes of the program; and

(8) shall demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect.


PRIOR PROVISIONS


AMENDMENTS


Par. (2). Pub. L. 111–320, §137(2), inserted “which description shall specify whether those services are supported by research” after “section 5116a of this title”.

Par. (3). Pub. L. 111–320, §137(3)(A), which directed the making of a technical amendment in par. (4) to a reference in the original act which appears in text as a reference to section 5116d(3) of this title, was executed by making the technical amendment to such reference in par. (3) to reflect the probable intent of Congress.

Par. (4). Pub. L. 111–320, §137(3)(B), which directed amendment of par. (4) by inserting a comma after “operation”, was executed by making the insertion after “operation” the second place appearing to reflect the probable intent of Congress.

Par. (5). Pub. L. 111–320, §137(4), inserted a comma after “local” and after “expansion”.

Par. (6). Pub. L. 111–320, §137(5), substituted “the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this subchapter in meeting the purposes of the program; and” for “the results of a peer review process conducted under the State program; and”.

2003—Par. (1). Pub. L. 108–36, §127(1), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” for “a State-wide network of community-based, prevention-focused, family resource and support programs”.

Par. (2). Pub. L. 108–36, §127(2), inserted par. (2) and struck out former par. (3) which read as follows: “shall demonstrate the establishment of new respite care and other specific new family resource 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”.

Par. (3). Pub. L. 108–36, §127(3), inserted “and parents with disabilities,” after “children with disabilities,” and substituted “evaluation of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs” for “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”.

Par. (4). Pub. L. 108–36, §127(4), substituted “and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” for “prevention-focused, family resource and support programs”.

Par. (5). Pub. L. 108–36, §127(5), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” for “community-based, prevention-focused, family resource and support programs”.

Par. (6). Pub. L. 108–36, §127(6), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” for “community-based, prevention-focused, family resource and support programs”.

Par. (7). Pub. L. 108–36, §127(7), substituted “and parents with disabilities,” after “children with disabilities,” and substituted “evaluation of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” for “Statewide network of community-based, prevention-focused, family resource and support programs”. 
§ 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 community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;
(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.


PRIOR PROVISIONS


A prior section 207 of Pub. L. 93–247 was renumbered section 206 and is classified to section 5116f of this title.

Another prior section 207 of Pub. L. 93–247 was classified to section 5116f of this title prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

AMENDMENTS


2003—Par. (3). Pub. L. 108–36 substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” for “Statewide networks of community-based, prevention-focused, family resource and support programs”.

§ 5116h. Definitions
For purposes of this subchapter:

(1) Community referral services

The term “community referral services” means services provided under contract or 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.

(2) Community-based and prevention-focused programs and activities to prevent child abuse and neglect

The term “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs or networks of such programs that provide activities that are designed to prevent or respond to child abuse and neglect.

(3) Respite care services

The term “respite care services” means short term care services, including the services of crisis nurseries, 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 child abuse or neglect;
(B) have experienced child abuse or neglect;
(C) have disabilities or 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.


PRIOR PROVISIONS

A prior section 208 of Pub. L. 93–247 was renumbered section 207 and is classified to section 5116g of this title.

Another prior section 208 of Pub. L. 93–247 was classified to section 5116h of this title prior to the general amendment of this subchapter by Pub. L. 103–252, § 401(a).

AMENDMENTS

2010—Par. (1). Pub. L. 111–320, § 139(1), (2), redesignated par. (2) as (1) and struck out former par. (1). Prior to amendment, text of par. (1) read as follows: “The term ‘children with disabilities’ has the same meaning given the term ‘child with a disability’ in section 1401(3) or ‘infant or toddler with a disability’ in section 1432(5) of title 20.”

Par. (2). Pub. L. 111–320, § 139(2), redesignated par. (3) as (2). Former par. (2) redesignated (1).

Par. (3). Pub. L. 111–320, § 139(3), redesignated par. (5) as (3) and inserted “, including the services of crisis nurseries,” after “short term care services” in introductory provisions. Former par. (3) redesignated (2).

Par. (3)(A). (B), Pub. L. 111–320, § 139(3)(B), substituted “child abuse or neglect” for “abuse or neglect.”

Par. (3)(C). Pub. L. 111–320, § 139(3)(C), substituted “have disabilities or chronic or terminal illnesses,” for “have disabilities, chronic, or terminal illnesses.”

Par. (5). Pub. L. 111–320, § 139(2), redesignated par. (5) as (3).

2003—Par. (1). Pub. L. 108–36, § 129(a), substituted “given the term ‘child with a disability’ in section 1401(3) or ‘infant or toddler with a disability’ in section 1432(5) of title 20” for “given such term in section 1401(a)(2) of title 20.”

Par. (3). Pub. L. 108–36, § 129(b), added par. (3) and struck out former pars. (3) and (4), which related, re-
spectives, to family resource and support programs and outreach services.

DEFINITIONS

For definitions of terms used in this section, see section 3 of Pub. L. 93–247, set out as a note under section 5101 of this title.

§ 5116i. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter $80,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2015.


PRIOR PROVISIONS

A prior section 209 of Pub. L. 93–247 was renumbered section 208 and is classified to section 5116i of this title.

AMENDMENTS

2010—Pub. L. 111–320, § 140, substituted “2010” for “2009” and “2011 through 2015” for “2005 through 2008”. 2003—Pub. L. 106–38 amended section catchline and text generally. Prior to amendment, text read as follows: “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.”

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


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.


EFFECTIVE DATE


SHORT TITLE


SUBCHAPTER IV–A—ABANDONED INFANTS ASSISTANCE

CODIFICATION


§ 5117. Findings

The Congress finds that—

(1) studies indicate that a number of factors contribute to the inability of some parents to provide adequate care for their infants and young children and a lack of suitable shelter homes for such infants and young children have contributed to the abandonment of such infants and young children in hospitals for extended periods;

(2) an unacceptable number of these infants and young children will be medically cleared for discharge, yet remain in hospitals as boarder babies;

(3) hospital-based child care for these infants and young children is extremely costly and deprives them of an adequate nurturing environment;

(4) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those with HIV/AIDS, and those who have been exposed to dangerous drugs;

(5) infants and young children who are abandoned in hospitals are particularly difficult to place in foster homes, and are being abandoned in hospitals in increasing numbers by mothers dying of HIV/AIDS, by parents abusing drugs, or by parents incapable of providing adequate care;

(6) there is a need for comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services;

(7) there is a need to support the families of such infants and young children through the provision of services that will prevent the abandonment of the infants and children; and

(8) private, Federal, State, and local resources should be coordinated to establish and maintain services described in paragraph (7) and to ensure the optimal use of all such resources.

AMENDMENTS

2010—Par. (4). Pub. L. 111–320, §401(a)(1), substituted “including those with HIV/AIDS” for “including those who are infected with the human immunodeficiency virus (commonly known as ‘HIV’), those who have acquired immune deficiency syndrome (commonly known as ‘AIDS’)”.


2008—Par. (1). Pub. L. 109–158, §801(1), (8), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “Throughout the Nation, the number of infants and young children who have been exposed to drugs taken by their mothers during pregnancy has increased dramatically.”.

Par. (2). Pub. L. 108–36, §301(8), redesignated par. (3) as (2). Former par. (2) redesignated (1).

Pub. L. 108–36, §301(2), substituted “studies indicate that a number of factors contribute to the inability of some parents to provide adequate care for their infants” for “the inability of parents who abuse drugs to provide adequate care for such infants”.

Par. (3). Pub. L. 108–36, §301(8), redesignated pars. (4) and (5) as (3) and (4), respectively. Former par. (3) redesignated (2).


Pub. L. 108–36, §301(3), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “training is inadequate for foster care personnel working with medically fragile infants and young children and infants and young children exposed to drugs.”

Pars. (6), (7). Pub. L. 108–36, §301(4), (6), redesignated pars. (9) and (10) as (6) and (7), respectively, and struck out former pars. (6) and (7) which read as follows: “(6) a particularly devastating development is the increase in the number of infants and young children who are infected with the human immunodeficiency virus (which is believed to cause acquired immune deficiency syndrome and which is commonly known as HIV) or who have been perinatally exposed to the virus or to a dangerous drug;” for “the number of cases of acquired immune deficiency syndrome in infants and young children, and the number of such cases has doubled within the last 13 months.”

Par. (7). Pub. L. 102–236, §2(3), substituted “many such” for “more than 80 percent of” and struck out “with acquired immune deficiency syndrome” after “young children”.

Par. (8). Pub. L. 102–236, §2(4), substituted “such infants and young children” for “infants and young children with acquired immune deficiency syndrome”.

Pars. (10), (11). Pub. L. 102–236, §2(5), added par. (10) and redesignated former par. (10) as (11).

SHORT TITLE

For short title of this subchapter as the “Abandoned Infants Assistance Act of 1988”, see section 1 of Pub. L. 100–505, set out as a note under section 5101 of this title.

PART A—PROJECTS REGARDING ABANDONMENT OF INFANTS AND YOUNG CHILDREN IN HOSPITALS

AMENDMENTS


§5117aa–11. Establishment of local projects

(a) In general

The Secretary of Health and Human Services may make grants to public and nonprofit private entities for the purpose of developing, implementing, and operating projects to demonstrate methods—

(1) to prevent the abandonment of infants and young children, including the provision of services to members of the natural family for any condition that increases the probability of abandonment of an infant or young child;

(2) to identify and address the needs of abandoned infants and young children;

(3) to assist abandoned infants and young children to reside with their natural families or in foster care, as appropriate;

(4) to recruit, train, and retain foster families for abandoned infants and young children;

(5) to carry out residential care programs for abandoned infants and young children who are unable to reside with their families or to be placed in foster care;

(6) to carry out programs of respite care for families and foster families of infants and young children described in subsection (b);

(7) to recruit and train health and social services personnel to work with families, foster care families, and residential care programs for abandoned infants and young children;

(8) to prevent the abandonment of infants and young children, and to care for the infants and young children who have been abandoned, through model programs providing health, educational, and social services at a single site in a geographic area in which a significant number of infants and young children described in subsection (b) reside (with special consideration given to applications from entities that will provide the services of the project through community-based organizations).
(b) Priority in provision of services

The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

(1) are infected with, or have been perinatally exposed to, the human immuno-deficiency virus, or have a life-threatening illness or other special medical need; or

(2) have been perinatally exposed to a dangerous drug.

(c) Case plan with respect to foster care

The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that, if the applicant expends the grant to carry out any program of providing care to infants and young children in foster homes or in other nonmedical residential settings away from their parents, the applicant will ensure that—

(1) a case plan of the type described in paragraph (1) of section 675 of this title is developed for each such infant and young child (to the extent that such infant and young child is not otherwise covered by such a plan); and

(2) the program includes a case review system of the type described in paragraph (5) of such section (covering each such infant and young child who is not otherwise subject to such a system).

(d) Administration of grant

(1) The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees—

(A) to use the funds provided under this section only for the purposes specified in the application submitted to, and approved by, the Secretary pursuant to subsection (e);

(B) to establish such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting of Federal funds paid to the applicant under this section;

(C) to report to the Secretary annually on the utilization, cost, and outcome of activities conducted, and services furnished, under this section; and

(D) that if, during the majority of the 180-day period preceding October 18, 1988, the applicant has carried out any program with respect to the care of abandoned infants and young children, the applicant will expend the grant only for the purpose of significantly expanding, in accordance with subsection (a), activities under such program above the level provided under such program during the majority of such period.

(2) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a grant under subsection (a) shall be for a period of 3 years, except that the Secretary—

(A) may terminate the grant if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the grant; and

(B) shall continue the grant for one additional year if the Secretary determines that the entity has satisfactorily complied with such agreements.

(e) Requirement of application

The Secretary may not make a grant under subsection (a) unless—

(1) an application for the grant is submitted to the Secretary;

(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(f) Technical assistance to grantees

The Secretary may, without charge to any grantee under subsection (a), provide technical assistance (including training) with respect to the planning, development, and operation of projects described in such subsection. The Secretary may provide such technical assistance directly, through contracts, or through grants.

(g) Technical assistance with respect to process of applying for grant

The Secretary may provide technical assistance (including training) to public and nonprofit private entities with respect to the process of applying to the Secretary for a grant under subsection (a). The Secretary may provide such technical assistance directly, through contracts, or through grants.

(h) Priority requirement

In making grants under subsection (a), the Secretary shall give priority to applicants located in States that have developed and implemented procedures for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under State law.


Amendments


Subsec. (b). Pub. L. 108–36, § 302(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that, in carrying out the purpose described in subsection (a) (other than with respect to paragraph (6) of such subsection), the applicant will give priority to abandoned infants and young children—

‘‘(1) who are infected with the human immunodeficiency virus or who have been perinatally exposed to the virus; or

‘‘(2) who have been perinatally exposed to a dangerous drug.’’


1991—Subsec. (a)(1). Pub. L. 102–236, § 3(c)(1), inserted before semicolon at end”, including the provision of services to members of the natural family for any condition that increases the probability of abandonment of an infant or young child”.


Subsec. (a)(5). Pub. L. 102–236, §3(a)(2)(A)(i), substituted “who are unable to reside with their families or to be placed in foster care” for “...particularly those with acquired immune deficiency syndrome”.


Subsec. (a)(8). Pub. L. 102–236, §3(b), added par. (8).

Subsecs. (b), (c), Pub. L. 102–236, §3(a)(1), added subsec. (b) and redesignated former subsec. (b) as (c).

Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 102–236, §3(d), designated existing provisions as par. (1), redesignated former pars. (1) to (4) as subs. (A) to (D), respectively, realigned margins, and added par. (5).

Pub. L. 102–236, §3(a)(1)(A), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 102–236, §3(a)(2)(B), substituted “subsection (e)” for “subsection (d)”.

Subsecs. (e) to (g). Pub. L. 102–236, §3(a)(1)(A), redesignated subs. (d) to (f) as (e) to (g), respectively.

§5117aa–12. Evaluations, study, and reports by Secretary

(a) Evaluations of local programs

The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 5117aa–11 of this title and for the dissemination of information developed as a result of such projects.

(b) Study and report on number of abandoned infants and young children

(1) In general

The Secretary shall conduct a study for the purpose of determining—

(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 5117aa–11(b) of this title;

(B) an estimate of the annual number of infants and young children who are victims of homicide;

(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant’s birth; and

(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

(2) Deadline

Not later than 36 months after June 25, 2003, the Secretary shall complete the study required under paragraph (1) and submit to Congress a report describing the findings made as a result of the study.

(c) Evaluation

The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.


AMENDMENTS

2003—Pub. L. 108–36 amended section generally. Prior to amendment, text consisted of subsecs. (a) to (d) relating to evaluations of demonstration projects, dissemination of information on assistance programs to individuals with special needs, a study and report on the estimated number of abandoned children to be completed by Apr. 1, 1992, and a study and report on effective care methods to be completed by Apr. 1, 1991. 1991—Subsec. (b, c). Pub. L. 102–236, §4(a)(2), added subsec. (b, Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 102–236, §4(a)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(1)(A). Pub. L. 102–236, §4(b)(1), substituted “...infants and young children who are infants and young children described in section 5117aa–11(b) of this title” for “...infants who have acquired immune deficiency syndrome”.

Subsec. (c)(2). Pub. L. 102–236, §4(b)(2), which directed striking out “...The Secretary and all that follows through ‘Act’...” and inserting “Not later than April 1, 1992, the Secretary shall”, was executed by making the substitution for “...The Secretary shall, not later than 12 months after the date of the enactment of this Act,” to reflect the probable intent of Congress.


PART B—GENERAL PROVISIONS

§5117aa–21. Definitions

In this subchapter:

(1) Abandoned; abandonment

The terms “abandoned” and “abandonment”, used with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

(2) Dangerous drug

The term “dangerous drug” means a controlled substance, as defined in section 802 of title 21.

(3) Natural family

The term “natural family” shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation, with respect to infants and young children covered under this subchapter.

(4) Secretary

The term “Secretary” means the Secretary of Health and Human Services.


REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning Pub. L. 100–505, Oct. 18, 1988,
§ 5117aa–22. Authorization of appropriations

(a) In general

(1) Authorization

For the purpose of carrying out this subchapter, there are authorized to be appropriated $45,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2015.

(2) Limitation

Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 5117aa–12(a) of this title.

(b) Administrative expenses

(1) Authorization

For the purpose of the administration of this subchapter by the Secretary, there is authorized to be appropriated $35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.

(2) Limitation

The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the amounts appropriated under subsection (a)(1) for the fiscal year, the Secretary has obligated the amounts described in such sentence.

(c) Availability of funds

Amounts appropriated under this section shall remain available until expended.

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning Pub. L. 100–505, Oct. 18, 1988, 102 Stat. 2533, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 5101 of this title and Tables.

AMENDMENTS


Subsec. (b). Pub. L. 108–36, § 304(a)(2), (4), redesignated subsec. (c) as (b) and struck out former subsec. (b).

Prior to amendment, text read as follows: “For the purpose of carrying out section 5117aa–12(b) of this title, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1992 through 1996.”


Pub. L. 108–36, § 304(a)(3), inserted par. headings and substituted “this subchapter” for “this part” in par. (1) and “fiscal year 2003” for “fiscal year 1991” in par. (2).


1996—Subsec. (a)(1). Pub. L. 104–235 substituted “$35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.” for “$30,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $30,000,000 for fiscal year 1994, and $35,000,000 for fiscal year 1995.”

1991—Pub. L. 102–236 substituted provisions relating to appropriations to carry out this part for fiscal years 1992 to 1995, with certain limitations, for provisions relating to appropriations to make grants under section 5117aa–11 of this title for fiscal years 1989 to 1991.

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


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.


§ 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).

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”.

Short Title

For short title of this subchapter as the “National Child Protection Act of 1993”, see section 1 of Pub. L. 103–209, set out as a note under section 5101 of this title.

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.

(3) In the absence of State procedures referred to in paragraph (1), a qualified entity designated under paragraph (1) may contact an authorized agency of the State to request national criminal fingerprint background checks. Qualified entities requesting background checks under this paragraph shall comply with the guidelines set forth in subsection (b) of this section and with procedures for requesting national criminal fingerprint background checks, if any, established by the State.

(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, except that this paragraph does not apply to any request by a qualified entity for a national criminal fingerprint background check pursuant to subsection (a)(3) of this section.

(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 liable 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.

105–251, title II, § 222(a), (b), Oct. 9, 1998, 112 Stat. 1885.)

REFERENCES IN TEXT

AMENDMENTS
Subsec. (b)(5). Pub. L. 105–251, § 222(b), inserted before period at end “, except that this paragraph does not apply to any request by a qualified entity for a national criminal fingerprint background check pursuant to subsection (a)(3) of this section.”

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 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”.  

PILOT PROGRAM FOR NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS AND FEASIBILITY STUDY

“(a) ESTABLISHMENT OF PILOT PROGRAM.—
“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Apr. 30, 2003], the Attorney General shall establish a 104-month Child Safety Pilot Program that shall provide for the processing of 200,000 10-fingerprint check requests from organizations described in paragraph (b) conducted through the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.  
“(b) PARTICIPATING ORGANIZATIONS.—
“(1) ELIGIBLE ORGANIZATIONS.—Eligible organizations include—
“(I) the Boys and Girls Clubs of America;  
“(II) the MENTOR/National Mentoring Partnership;  
“(III) the National Council of Youth Sports; and  
“(IV) any nonprofit organization that provides care, as that term is defined in section 5119c, for children.  
“(2) PILOT PROGRAM.—The eligibility of an organization described in clause (I) to participate in the pilot program established under this section shall be determined by the National Center for Missing and Exploited Children, with the recommendation or concurrence within 30 days of the Attorney General, according to criteria established by such Center, including the potential number of applicants and suitability of the organization to the intent of this section. If the Attorney General fails to reject or concur within 30 days, the determination of the National Center for Missing and Exploited Children shall be conclusive.  
“(3) APPLICANTS FROM PARTICIPATING ORGANIZATIONS.—Participating organizations may request background checks on applicants for positions as volunteers and employees who will be working with children or supervising volunteers.
“(4) PROCEDURES.—The Attorney General shall notify participating organizations of a process by which the organizations may provide fingerprint cards to the Attorney General.
“(5) VOLUNTEER INFORMATION REQUIRED.—An organization authorized to request a background check under this paragraph shall—
“(I) forward to the Attorney General the volunteer’s fingerprints; and  
“(II) obtain a statement completed and signed by the volunteer that—
“(I) sets out the provider or volunteer’s name, address, date of birth appearing on a valid identification document as defined in section 1028 of
title 18, United States Code, and a photocopy of the valid identifying document;

(II) states whether the volunteer has a criminal record, and, if so, sets out the particulars of such record;

(III) notifies the volunteer that the Attorney General may perform a criminal history background check; and

the volunteer’s signature to the statement constitutes an acknowledgment that such a check may be conducted;

(iv) notifies the volunteer that prior to and after the completion of the background check, the organization may choose to deny the provider access to children; and

(v) notifies the volunteer of his right to correct an erroneous record held by the Attorney General.

(F) Timing.—For any background checks performed under this paragraph, the Attorney General shall provide the criminal history records information to the National Center for Missing and Exploited Children within 18 business days after receiving the request from the organization.

(G) Determinations of Fitness.—

(1) In general.—Consistent with the privacy protections delineated in the National Child Protection Act of 1993 (Pub. L. 103–209), as amended by the Volunteers for Children Act [see Short Title of 1998 Amendment note set out under section 5101 of this title] so that qualified employees and volunteers.

the Department of Justice.

Title 42—The Public Health and Welfare

PART II—Public Health

Chapter 1—The Public Health Service

Subchapter X—Public Health Security

Sec. 5119a. Background checks for employees and volunteers.

(1) Study required.—The Attorney General shall conduct a feasibility study within 180 days after the date of the enactment of this Act [Apr. 30, 2003]. The study shall examine, to the extent discernible, the following:

(A) The current state of fingerprint capture and processing at the State and local level, including the current available infrastructure, State system capacities, and the time for each State to process a civil or volunteer print from the time of capture to submission to the Federal Bureau of Investigation (FBI).

(B) The intent of the States concerning participation in a nationwide system of criminal background checks to provide information to qualified entities.

(C) The number of volunteers, employees, and other individuals that would require a fingerprint-based criminal background check.

(D) The impact on the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on Federal Bureau of Investigation work practices and staffing levels.

(E) The current fees charged by the Federal Bureau of Investigation, States and local agencies, and private companies to perform fingerprinting and conduct background checks.

(F) The existence of ‘model’ or best practice programs which could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing background checks and the possibility of using private companies in the future to perform any of the background checks.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.


(J) The extent to which States currently provide access to nationwide criminal history background checks to organizations that serve children.

(K) The extent to which States currently permit volunteers to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) The implementation of the 2 pilot programs created in subsection (a).

(M) Any privacy concerns that may arise from national-wide criminal background checks.

(N) Any other information deemed relevant by the Department of Justice.

(O) The extent of participation by eligible organizations in the state pilot program.

(2) Interim report.—Based on the findings of the feasibility study under paragraph (1), the Attorney General shall, not later than 180 days after the date of the enactment of this Act [Apr. 30, 2003], submit to Congress an interim report, which may include recommendations for a pilot project to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled.

(3) Final report.—Based on the findings of the pilot project, the Attorney General shall, not later than 60 days after completion of the pilot project under this section, submit to Congress a final report, including recommendations, which may include a proposal for grants to the States to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled, and which may include recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act [see Short Title of 1998 Amendment note set out under section 5101 of this title] so that qualified entities can promptly and affordably conduct nation-wide criminal history background checks on their employees and volunteers.
“(e) LIMITATION ON LIABILITY.—In connection with the Pilot Programs established under this section, in reliance upon the fitness criteria established under section 108(a)(3)(G)(i), and except upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages—

“(1) arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;

“(2) alleging harm arising from a decision based on the information in an individual’s criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual’s criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and

“(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.”

§ 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 1999, 2000, 2001, and 2002.

(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.


REFERENCES IN TEXT


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 subpar. (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 ref-
erence 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 (including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel);
      (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 (including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel);
      (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.


PAR. (9) to (11), Pub. L. 107–110, § 1075(2), redesignated pars. (7) to (9) as (9) to (11), respectively.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

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. 5119c. General Federal assistance.

5120. Procedure for declaration.

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5123. Management costs.

5124. Federal and State disaster preparedness programs.

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5126. Reimbursement of Federal agencies.

5127. Nondiscrimination in disaster assistance.

5128. Use and coordination of relief organizations.

5129. Repealed.

5130. Waiver of administrative conditions.

5131. Federal and State disaster preparedness programs.

5132. Interagency task force.

5133. Interagency task force.

5134. Disaster hazard mitigation.

5135. Interagency task force.

5136. Penalties.

5137. Penalties.

5138. Penalties.

5139. Penalties.

5140. Penalties.

5141. Waiver of administrative conditions.

5142. Repealed.

5143. Coordinating officers.

5144. Emergency support and response teams.

5145. 5146. Repealed.

5147. Reimbursement of Federal agencies.


5149. Performance of services.

5150. Use of local firms and individuals.

5151. Nondiscrimination in disaster assistance.

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5154a. Prohibited flood disaster assistance.

5155. Duplication of benefits.

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5158. Availability of materials.

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5163. Repealed.


5165. Minimum standards for public and private structures.

5166. Minimum standards for public and private structures.

5167. Public notice, comment, and consultation requirements.

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SUBCHAPTER II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

5165d. Designation of Small State and Rural Advocate.

5165c. Public notice, comment, and consultation requirements.

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5165a. Minimum standards for public and private structures.

5165. Mitigation planning.

5164. Rules and regulations.

5163. Mitigation planning.

5162. Advance of non-Federal share.

5161. Audits and investigations.

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5158. Availability of materials.

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5153. Priority to certain applications for public facility and public housing assistance.

5152. Use and coordination of relief organizations.

5151. Nondiscrimination in disaster assistance.

5150. Use of local firms and individuals.

5149. Performance of services.


5147. Reimbursement of Federal agencies.

5146. Repealed.

5145. Repealed.

5144. Emergency support and response teams.

5143. Coordinating officers.

5142. Repealed.

5141. Waiver of administrative conditions.

5140. Penalties.

5139. Penalties.

5138. Penalties.

5137. Penalties.

5136. Penalties.

5135. Penalties.

5134. Disaster hazard mitigation.

5133. Interagency task force.

5132. Disaster warnings.

5131. Federal and State disaster preparedness programs.

5130. Waiver of administrative conditions.

5129. Repealed.

5128. Use and coordination of relief organizations.

5127. Nondiscrimination in disaster assistance.

5126. Reimbursement of Federal agencies.

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5119c. General Federal assistance.