

Calendar No. 149

104TH CONGRESS }
1st Session }

SENATE

{ REPORT
104-117

**CHILD ABUSE PREVENTION AND TREATMENT ACT
AMENDMENTS OF 1995**

JULY 20 (legislative day, JULY 10), 1995.—Ordered to be printed

Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 919]

The Committee on Labor and Human Resources, to which was referred the bill (S. 919) to reauthorize the Child Abuse Prevention and Treatment Act, Family Resource and Support Programs, Adoption Opportunities and Family Violence Prevention and Services Programs, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

CONTENTS

I. Summary of the bill	Page 2
II. Background and need for legislation	2
III. Legislative history and committee action	10
IV. Committee views	11
V. Agency views	24
VI. Cost estimate	25
VII. Regulatory impact statement	27
VIII. Section-by-section analysis	28
IX. Changes in existing law	31

The Child Abuse Prevention and Treatment Act Amendments of 1995 (CAPTA) reauthorize and amend the Child Abuse Prevention and Treatment Act, the Family Resource and Support Programs, the Adoption Opportunities Act, the Family Violence Prevention and Services Programs, the Abandoned Infants Assistance Act, the Missing Children's Assistance Act, and the Children's Justice Act.

I. SUMMARY OF THE BILL

On June 13, 1995, a bill to reauthorize the Child Abuse Prevention and Treatment Act, Family Resource and Support Programs, Adoption Opportunities and Family Violence Prevention and Services Programs was introduced by Senators Coats and Kassebaum. The bill, S. 919, was referred to the Committee on Labor and Human Resources. Subsequently, the chairman referred it to the Subcommittee on Children and Families.

II. BACKGROUND AND NEED FOR LEGISLATION

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Despite Federal programs, State and local efforts, increased media attention and public awareness, child abuse and neglect continues to be a significant problem in the United States. Recent reports present startling indications of child maltreatment in the United States.

Each year an estimated 1 million children fall victim to substantiated cases of child abuse or neglect. In its April 1995 report on child abuse and neglect fatalities, the U.S. Advisory Board on Child Abuse and Neglect reported that, each year, 141,700 children are seriously injured as a result of abuse and neglect, 18,000 are severely disabled, and 2,000 are killed.

In 1994, according to the National Center for the Prevention of Child Abuse, 49 percent of the 1 million substantiated cases involved neglect. Of the remaining cases, 21 percent involved physical abuse, 11 percent involved sexual abuse, 3 percent involved emotional maltreatment and 16 percent involved other forms of abuse or neglect.

Many more reports of alleged child abuse and neglect are filed each year than are substantiated, overwhelming an already overburdened child protective system. In 1993, for example, close to 3 million reports of suspected abuse and neglect stretched tight resources, including staff time. Two-thirds of the reports were later categorized as unsubstantiated; a small number were found to be false reports.

These reports have so overwhelmed the system that a recent survey of State administrators indicated that child protective systems (CPS) are routinely placing children in jeopardy. Approximately one-third of State CPS agencies were unable to investigate reports within 24 or 48 hours, as required by law. In New York City, for example, in 11 percent of cases, no home visit had occurred within 40 days after reports were filed. In the same period of time, children had not been examined in 22 percent of the cases. Alleged perpetrators had not been interviewed in 17 percent of the cases. The potential compromise in the safety of children is obvious. Over half of the children who die from abuse and neglect come from families previously investigated by Child Protective Service.

The lack of timeliness in investigations can also have a negative impact on those involved in cases in which child maltreatment has not actually occurred. Being under suspicion can harm both children and families by leaving them in limbo. It also unnecessarily increases the amount of governmental intrusion that they experi-

ence, including removal of the child to protect his/her best interests.

Along with the increase in reports of child abuse and neglect, there has been a dramatic increase in the number of children removed from their homes and placed in foster care. At the end of 1983, an estimated 269,999 children were in foster care; by the end of 1993, an estimated 443,796 children were in foster care. This represents an increase of 60 percent.

While child maltreatment occurs in all socioeconomic and cultural groups poverty makes child maltreatment much more likely to be reported. This is also reflected in the high rates of poverty among ethnic minorities. Minority children enter the child protection system in disproportionately large numbers and are far more likely to remain in substitute care for long periods of time—even years.

The system is seeing a large increase in the number of children entering it, in addition to an increasing complexity in the problems that these children bring. The population in foster care is even more disturbed, with significant numbers being drug exposed.

Since the introduction of crack cocaine in the mid-1980's, drug abuse has been a prevailing problem for many CPS agencies. In 1994, over half of the States reported substance abuse as one of the primary problems presented by their caseloads.

All of these factors have caused a crisis in the child protection system. In its 1990 report entitled "Critical First Steps in Response to a National Emergency", the United States Advisory Board on Child Abuse and Neglect found the Child Protective System to be failing. According to the report, "It is not a question of acute failure of a single element of the system; there is chronic and critical multiple organ failure. In such a context, the safety of children cannot be ensured. Indeed, the system itself can at times be abusive to children."

Unfortunately, the foster care system has been unable to respond adequately to the demands generated by the large numbers of children being placed in care. In many States, no one even knows exactly how many children are in care or how much it costs. In some States, children do not know the name of their CPS caseworker, whom they rarely often see. Moreover, most maltreated children, even after they have been identified as such by public authorities and placed in foster care, do not receive treatment.

Often, children are abused even in foster homes. According to Professor Richard Wexler, in his book, "Wounded Innocents." "Foster care is not a haven. Often it is not even safe. Most people assume that removing children from their parents means removing them from danger and placing them in safety. Often, it is the other way around."

And, in joint testimony, the National Center for Youth Law and the Youth Law Center told a congressional committee panel, "Our offices have become painfully aware of many situations where children's health and lives are in greater jeopardy in foster homes than they were while they were living with their families."

Foster care is far from the only difficulty in the child protection system. The Advisory Board's report also states: "No matter which element of the system that it [the Advisory Board] examined—pre-

vention, investigation, treatment, training, or research—it found a system in disarray, a societal response ill-suited in form or scope to respond to the profound problems facing it. It was forced to conclude that the child protection system is so inadequate and so poorly planned that the safety of the Nation's children cannot be assured.”

Child welfare policy must begin to emphasize safety and to differentiate between those children who are in danger of serious injury and those who are not. Ensuring the safety of children placed in its care must be the primary goal of child protective services systems. Where a child can safely remain at home, he should be allowed to. No longer can we assume that a child will automatically be better off placed outside the home. Safety, even in foster care, must be considered a first priority.

HISTORY OF FEDERAL INVOLVEMENT IN CHILD ABUSE AND NEGLECT

The first Federal programs specifically designed to address concerns regarding child abuse and neglect in this country were authorized under the Child Abuse Prevention and Treatment Act (Public Law 93-247), enacted in 1974. This legislation provided Federal financial assistance for identifying, preventing, and treating child abuse and neglect. The act has since been extended through fiscal year 1995 and has been amended to expand the scope of activities. It also authorizes the Adoption Opportunities Act and family violence prevention and service activities.

The original Child Abuse Act authorized the creation of the National Center on Child Abuse and Neglect (NCCAN) to help establish the parameters of the problem and to provide incentives for developing effective methods of treatment. The act also authorized demonstration grants and a State grant program for activities relating to preventing and treating child abuse and neglect. To be eligible for funding under the State grant program, States were required to establish systems for reporting and investigation child abuse and neglect and for providing immunity from prosecution for persons so reporting.

In 1978, the act was amended by Public Law 95-266, which extended the programs under the act through fiscal year 1981 and, among other things, expanded the Center's grant making authority. It also required the establishment of research priorities and earmarked funds for the prevention and treatment of child sexual abuse. In response to concerns that Federal assistance was needed to help facilitate adoption of children, particularly those whose placement was constrained by being of school age or being disabled, the 1978 amendments also authorized through fiscal year 1981 a new adoption opportunities program to help eliminate barriers to adoption.

In 1981, the Child Abuse Prevention and Treatment Act and the Adoption Opportunities Act were extended through fiscal year 1983 under the Omnibus Budget Reconciliation Act (Public Law 97-35); and in 1984, the programs were extended through fiscal year 1987 under amendments to the Child Abuse Act (Public Law 98-457). The 1984 amendments expanded the Center's responsibilities to include additional studies. They required, as an additional criterion for eligibility for the State grant program, that States implement

systems for responding to reports of medical neglect in cases involving severely disabled newborns; and authorized a new State grant program and other assistance to help States develop and run systems for responding to reports of medical neglect, including withholding of medically indicated treatment from disabled infants with life-threatening conditions. The 1984 amendments also authorized a new State demonstration program in the area of family violence prevention and services.

The Child Abuse Prevention Federal Challenge Grants Act was enacted on October 12, 1984, as title IV of Public Law 98-473, the continuing appropriations bill for fiscal year 1985. In enacting this legislation, the Congress found that since 1980 certain States had begun to recognize the critical need for child abuse prevention efforts and had established Children's Trust Funds. These State funds were generated by surcharges on marriage licenses, birth certificates, and divorce actions or by special indication on State income tax returns. This allowed States to pay for child abuse and neglect prevention activities in the face of depressed State economies and budget cutbacks. Money for child abuse prevention projects had historically been lacking because of the need to direct limited resources toward treating the increasing numbers of children already abused. Only one or two States had direct appropriations to support the broad range of child and neglect prevention activities.

At the time, no Federal funds were directed specifically at assisting State efforts to prevent child abuse and neglect. When the legislation was enacted, 20 States had set up special funds for child abuse prevention. The kinds of programs supported by these special funding mechanisms ranged from classes on parenting and coping with family stress to statewide public education campaigns and special sexual abuse prevention training for children. The Challenge Grant program was developed to encourage all States to establish and maintain significant funds to support child abuse prevention projects. The number of States receiving funding under the Challenge Grant program increased from 33 States in fiscal year 1986, the first year of appropriations for the program, to 47 States which were awarded a total of \$4,933,501 in fiscal year 1990.

In 1986, the Child Abuse Act was amended by provisions of the Children's Justice and Assistance Act (Public Law 99-401), establishing a new State grant program for improving the administrative and judicial handling of child abuse cases, especially those involving child sexual abuse. Funding for this program is derived from fines collected from persons convicted of certain Federal offenses.

In 1987, the Child Abuse Prevention and Treatment Act was reauthorized (Public Law 100-294), extending its program through fiscal year 1991. The 1987 amendments also established a new interagency task force and a newly constituted Advisory Board on Child Abuse and Neglect.

The Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (Public Law 101-126) reauthorized the Challenge Grant program through fiscal year 1991 and transferred it to the Child Abuse Prevention and Treatment Act as title II. The program is administered by NCCAN under Treatment Act as title II. The

program is administered by NCCAN under the Department of Health and Human Services (HHS). HHS announces the availability of Federal funds and determines State eligibility for Federal challenge grants. Subject to appropriations, States are awarded the lesser of (1) 25 percent of State funds made available for prevention in the previous year or (2) 50 cents for every child living in the State.

TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

The Human Service Amendments of 1994 consolidated three programs into the new Community-Based Family Resource Programs which was placed in title II of CAPTA. Two of the consolidated programs had been part of CAPTA: the Emergency Child Abuse Prevention Services Grants (Sec. 107A of CAPTA), and the Community-Based Child Abuse and Neglect Prevention Grants (title II of CAPTA). In addition, the 1994 Amendments consolidated the Family Resource and Support Program, which was a part of the Claude Pepper Young Americans Act of 1990 (enacted as title IX of the Augustus F. Hawkins Services Reauthorization Act of 1990).

COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

The Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (P.L. 101-126) reauthorized the Challenge Grant Program through fiscal year 1991 and transferred it to title II of the Child Abuse Prevention and Treatment Act. This program was administered by NCCAN. The Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 (P.L. 102-295) modified this program and changed the name to "the Community-Based Child Abuse and Neglect Prevention Grants." The purpose of this program was to assist States in supporting child abuse and neglect prevention activities. States were eligible for grants if they had established trust funds for the administration of child abuse prevention activities. Funds were distributed to all such States based on child population and the amounts of non-Federal funds collected by States for their trust funds. Between fiscal year 1991 and fiscal year 1994, funding levels for this program ranged from \$5.4 million to \$5.3 million.

EMERGENCY CHILD ABUSE PREVENTION SERVICES GRANTS

The Emergency Child Abuse Prevention Services Grants program was intended to provide for services to children whose parents were substance abusers. Grants were made directly to local public and non-profit organizations to provide these services. Between fiscal year 1991 and fiscal year 1994, funding for this program ranged from \$19.5 million to \$19.0 million.

FAMILY RESOURCE AND SUPPORT CENTERS PROGRAM

The Family Resource and Support Centers Program was established to fund States, on a competitive basis, to establish statewide networks of family support programs, in collaboration with existing health, mental health, education, employment and training, child welfare, and other social services agencies within the State. In

order to provide adequate funding for this broad charge, the grants were required to be at least \$1.5 million per year. With funding at around \$5 million in fiscal years 1992-94, HHS awarded three grants of \$1.5 million each to Maryland, Virginia, and Connecticut. Each State took a unique approach to the operation of this program. One administered it through a Health Department, another through an Education Department, and the third through a private non-profit entity.

Programs established under this authority were designed to operate consistent with the family support philosophy: the basic relationship between programs and the family is one of equality and respect; participants are a vital resource; programs are community-based and culturally and socially relevant to the families they serve; parent education, information about human development, and skill building for parents are essential elements of every program; and programs are voluntary. The collaborative efforts of these programs resulted in critical innovations at the State level. These efforts also strengthened existing comprehensive programs in communities and tested innovative approaches at the local level. Services provided included parent education, early childhood development, outreach, community and social services referrals, housing assistance, job training, and parenting support, all of which help prevent child abuse.

1994 CONSOLIDATION

Because the response to the Family Resource and Support Program was so positive, Congress broadened the program and expanded it to all States in the Human Services Amendments of 1994. These amendments sought to establish and promote statewide networks of family support programs, using innovative approaches to blending funds and leveraging additional resources that were central to the Community-Based Child Abuse Prevention Grants. These programs were designed to operate with the same family support philosophy that was embedded in the Family Resource and Support Program.

This program was intended to further enhance the States' abilities to develop comprehensive networks of family support programs. The funding was meant to supplement, rather than supplant, other State funding. The program encouraged States to leverage a broad array of public and private funding for the development of the networks.

Congress intended that each State would choose an organization to act as the lead entity. The lead entity differs from State to State, but in each State it is the most appropriate organization to carry out the mission of the program. The lead entity is required to demonstrate the ability to work with other State and community-based agencies to provide training and technical assistance; a commitment to parental participation in the design and implementation of family resource programs; the capacity to promote a statewide network of family resource programs; and the capacity to exercise leadership in implementing effective strategies for capacity building, and access to funding for family resource services across agencies.

The Community-Based Family Resource Program was authorized at \$50 million for fiscal year 1995. The program was included as title II of the Child Abuse Prevention and Treatment Act and was authorized for only one year in order to put in on the same reauthorization cycle as the rest of CAPTA.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

The Family Violence program provides grants to States to assist in supporting programs and projects to prevent incidents of family violence and provide immediate shelter and related assistance for victims of family violence and their dependents. S. 919 establishes that 70 percent of funds are to be used for grants to States, 10 percent to tribes, 10 percent for State domestic violence coalitions, 5 percent for information and technical assistance centers, and 5 percent for other activities.

The Family Violence Prevention and Services Act (P.L. 98-457) was enacted in fiscal year 1984 to assist States (and Indian tribes) to prevent family violence, to provide immediate shelter for victims of family violence and their dependents, and to provide technical assistance and training relating to family violence programs. The programs under the act are administered by the Administration for Children, Youth, and Families of the Department of Health and Human Services. The act authorized three grant programs: (1) demonstration grants to States (and Indian tribes) for prevention programs, shelters and related assistance; (2) law enforcement training and technical assistance grants for regionally based programs; and (3) information and training grants to foster cooperation between law enforcement agencies, domestic violence shelters, social service agencies and hospitals.

The Family Violence Act also authorizes a national information and research clearinghouse on the prevention of family violence (including the abuse of elderly persons) and a family member abuse information and documentation project to provide for objective documentation of data on the victims of family violence.

Domestic violence programs had, in fact, preceded Federal legislation. Shelters for abused women were first established in 1975. The number of shelters in the United States has subsequently increased from just 4 to over 1,200. Between 60 percent and 70 percent of women who utilize shelters do not return to their abusive partners after their stay (Strube, 1988). The availability of shelters has also been associated with a decline in the rate of female-perpetrated homicide against a partner (Browne & Williams, 1989).

Nonetheless, three out of four women who seek the safety of a family violence shelter are denied access due to insufficient space. Women continue to face the dilemma of living amidst violence or fleeing. Forty percent of the homeless women in New York are thought to be victims of family violence. Research has shown that lack of economic support and "having no place to go" are predictive of return to an abusive spouse after a stay at a shelter.

Victims of family violence need several sources of support to reestablish safe lives. Financial assistance is usually critical. Many victims, however, are intimidated by the process of obtaining assistance or are uncertain about how to obtain such services. Shelters

play a crucial role in linking victims to the appropriate services for transportation and technical assistance, which help to ease the transition between shelter residence and permanent housing and employment.

TITLE IV—ADOPTION OPPORTUNITIES ACT

The Adoption Opportunities Act was originally enacted in fiscal year 1978. The most significant reauthorization of this act occurred in 1992. These amendments included requiring the Secretary of Health and Human Services to conduct extensive recruitment efforts for potential adoptive parents and to promote professional leadership training of minorities in the adoption field. A total of \$30 million was authorized for the act in fiscal year 1992, which included \$10 million for general grant activities, \$10 million for minority children placement grants, and \$10 million for grants increasing the placement rate of foster children legally available for adoption.

The act awards grants on a competitive basis to States and to public or private nonprofit child welfare or adoption agencies, among others, for several activities, including a national exchange to link prospective parents with children who are free for adoption. It also provides training and technical assistance to States to help public and private agencies improve adoption practices. In addition, funds support an adoption information clearinghouse containing information on adoption in the United States.

TITLE V—ABANDONED INFANTS ASSISTANCE ACT

The Abandoned Infants Assistance Act was enacted in fiscal year 1988 (P.L. 100-505) in response to problems with substance abusing parents and the increase in the number of boarder babies abandoned in hospitals. The program funds discretionary grants to public and private nonprofit organizations for a number of activities relating to the needs of these children, in particular those with Acquired Immune Deficiency Syndrome (AIDS). These activities include programs aimed at preventing the abandonment of children and the recruitment and training of health and social service personnel. This program is administered by the Administration on Children, Youth and Families of the Department of Health and Human Services.

Despite the lack of conclusive evidence, there is widespread consensus among experts in the field that crack cocaine is the driving force behind an increasing numbers of children entering foster care and the fairly new phenomenon of boarder babies. The Abandoned Infants Assistance Act targets its funds to boarder babies, rather than drug-affected children in general. Drug-affected children and their mothers can receive services under several Federal programs including the Social Services Block Grant, Child Welfare Services, the Child Abuse Act, Medicaid, and the Maternal and Child Health Block Grant (title V of the Social Security Act). As drug-affected children (including boarder babies) and their families require more attention, providing prevention services and coordinating services among programs are issues that may need to be addressed.

The Abandoned Infants Assistance Act Amendments of 1991 (P.L. 102-236) extended the Abandoned Infants Act through fiscal year 1995 and set the authorization level at \$25 million for fiscal year 1992. The act authorized new residential service centers to provide support to infants and young children, and their natural, foster, and adoptive families.

TITLE VI—REAUTHORIZATION OF VARIOUS PROGRAMS

At the request of Senate Judiciary Committee, the Missing Children's Assistance Act and section 214 B of the Victims of Child Abuse Act are reauthorized for 2 years at current funding levels. An evaluation provision was added to the Missing Children's Assistance Act to provide the opportunity to demonstrate the effectiveness of its activities. It is the intent of the Judiciary Committee to look at these two programs, as well as other related Judiciary Committee programs, within the context of the reauthorization of the Juvenile Justice and Delinquency Prevention Act which is scheduled for reauthorization in 1996.

III. LEGISLATIVE HISTORY AND COMMITTEE ACTION

A hearing on child abuse titled, "Child Protection: Balancing Diverging Interests," was held by the Subcommittee on Children and Families of the Committee on Labor and Human Resources on May 25, 1995. The primary issues raised by the witnesses included: the increasing numbers of unsubstantiated reports of child abuse and neglect and the effect on the child protection system; how these reports negatively impact children and prevent States from responding to those legitimately in need of assistance; how families are affected when they are wrongly and unnecessarily investigated; what happens to children removed from their homes and placed in foster care settings; how the child protection system and the community can work together to more effectively identify and prevent serious harm to children, including fatalities such as those that occurred in Connecticut in the Spring of 1995; the importance of better training of all individuals who work in the child protection system, including mandatory reporters; and an examination of State efforts to fundamentally restructure the child protective system to allow for varied intervention responses and community involvement.

Witnesses at the hearing included: Jim and Alicia Wade, Cabool, MO; Richard Wexler, professor of communications, Pennsylvania State University, Beaver, Dr. Betty S. Spivack, director of pediatric intensive care unit, Hartford Hospital, Hartford, CT; Carol Hopkins, former deputy foreman, San Diego Grand Jury, San Diego, CA; Michael Weber, director, Program for the Community Protection of Children, St. Paul, MN; and Thomas Morton, executive director, Child Welfare Institute, Atlanta, GA.

S. 919 was introduced on June 13, 1995, by Senators Coats and Kassebaum and was referred to the Committee on Labor and Human Resources. The Committee on Labor and Human Resources considered a substitute amendment to S. 919 in an executive session held on Wednesday, June 21, 1995. No other amendments were offered and the substitute amendment was agreed to. The bill

as amended was adopted unanimously by roll call vote and ordered reported favorably to the full Senate.

IV. COMMITTEE VIEWS

GENERAL GOALS

The committee has three general goals for this legislation: (1) to better target Federal abuse and neglect resources; (2) to enhance the ability of States to respond to actual cases of abuse and neglect; and (3) to consolidate and coordinate Federal data collection efforts.

NATIONAL CENTER ON CHILD ABUSE AND NEGLECT (NCCAN)

Section 103 amends section 101 of the act to allow the Secretary of the Department of Health and Human Services (HHS) to establish an Office on Child Abuse and Neglect, which would be responsible for executing and coordinating the functions and activities of the act. This section thereby repeals the current mandate for the National Center on Child Abuse and Neglect (NCCAN).

Despite NCCAN's accomplishments and its assumption of expanded responsibilities, a number of congressional reviews have produced critical findings. The 1991 report of the U.S. Advisory Board on Child Abuse and Neglect noted that, "within the social services component of Department of Health and Human Services, NCCAN has had remarkably little impact. * * *"

The report continues, "The National Center lacks a visible and coherent planning process, tending to diffuse its energy in too many directions at once instead of concentrating on a circumscribed set of achievable objectives."

The committee notes the significant contribution that NCCAN staff have made and are making in the area of child abuse and neglect. Because of their efforts, the nation is more aware of the problem of child maltreatment than ever before. However, the committee is concerned by the many criticisms of NCCAN in recent years. Therefore, the committee has repealed the statutory mandate for NCCAN and, in its place, has given the Secretary authority to establish an Office on Child Abuse and Neglect.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

Section 104 amends section 102 of the act by repealing the current mandate for a U.S. Advisory Board on Child Abuse and Neglect. Instead, the Secretary of HHS is given authority to exercise his/her discretion in deciding whether or not to appoint an advisory board to make recommendations concerning specific child abuse and neglect issues.

The committee intends that the Secretary be given broad discretion in deciding the range of issues that an advisory board would be appointed to examine. But if appointed, the committee would like the board to examine, at a minimum, the following issues: coordination of Federal, State and local child abuse and neglect activities with activities regarding family violence at all these levels; specific modifications needed in Federal and State laws to reduce the number of unfounded or unsubstantiated reports of abuse or neglect while increasing the attention given to identifying legitimate cases of child maltreatment; and modifications needed to bet-

ter facilitate coordinated data collection with respect to child protection and child welfare.

INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT

Section 105 repeals the legislative mandate for an Interagency Task Force on Child Abuse and Neglect. Although the task force has served several useful purposes, the committee believes its resources would be best spent elsewhere. The task force participants are essentially technical experts who are, for the most part, not the decision-makers in their respective agencies. Task force deliberations and effectiveness, therefore, have suffered because the participants do not have the authority to commit the resources of their agencies to joint ventures related to child protection.

The committee notes, however, the need for ongoing communication among Federal agencies to ensure coordination of programs and research related to child maltreatment. The committee encourages the Secretary to examine other mechanisms for coordination and to identify the most effective and efficient means for assuring that this type of collaboration takes place.

UNSUBSTANTIATED REPORTS

At the same time that many cases of seriously abused children go unreported, there is also a problem that undercuts efforts to prevent the maltreatment of children: The nation's child protective agencies are being inundated by reports, two-thirds of which are eventually categorized as unsubstantiated. Although rules, procedures, and even terminology vary (some States use the phrase "unfounded" while others use "unsubstantiated" or "not indicated"), in essence, an "unsubstantiated" report is one that is dismissed after an investigation finds insufficient evidence on which to proceed. This does not mean, however, that all unsubstantiated reports are false or that all have been investigated.

The committee is concerned that only one-third of reports of abuse and neglect are substantiated. The committee notes that a certain proportion of unsubstantiated reports is an inherent and legitimate aspect of reporting suspected child maltreatment and may be necessary to ensure adequate child protection. Hundreds of thousands of individuals report their suspicions—they cannot all be right. Some unsubstantiated reports may have been actual cases of abuse or neglect, but for which the abuse could not be proven.

There are other reasons why reports may not be substantiated. Because of the breadth of reporting laws and increased media attention of child abuse, many people report situations which do not constitute legal abuse or neglect. Some of these families may need support services to prevent abuse or neglect from occurring, but intervention through the child protective system is not warranted.

Cases may also not be substantiated because the caseworker was transferred, the family moved, the child was unable to talk, or CPS failed to find medical evidence. Finally, some reports determined to be unsubstantiated are simply false—that is, there is absolutely no evidence of any inadequate parental care.

But the committee is concerned that unsubstantiated rates of the current magnitude may go beyond anything reasonably needed. Worse, they endanger children who are truly being abused. Unfor-

unately, the flood of unsubstantiated reports is overwhelming the limited resources of child protective agencies, endangering children who are abused and in need of protection, and in some cases, jeopardizing the civil liberties of families.

Moreover, children who are in real danger are getting lost in the press of cases. Forced to allocate a substantial portion of their limited resources to investigating reports which turn out to be unsubstantiated, child protective agencies are less able to respond promptly and effectively when children are in serious danger. Some reports are left uninvestigated for weeks at a time. In other cases, investigators miss key facts as they rush to clear cases. Dangerous home situations receive inadequate supervision as workers ignore pending cases to investigate new reports that arrive daily on their desks.

This may help explain why 25 to 50 percent of the deaths from child abuse involve children who were previously known to the authorities. Tens of thousands of other children suffer serious injuries short of death while under the supervision of child protective agencies.

The large number of unsubstantiated reports is in part due to the breadth of child abuse reporting laws. For 30 years, program administrators and politicians have joined cause to encourage even more reports of suspected child abuse and neglect.

Under threat of civil and criminal penalties, mandated reporter laws require most professionals who have contact with children to report suspected child abuse and neglect. About 20 States require all citizens to report, and in every State, any citizen is permitted to report.

These reporting laws, associated with public awareness campaigns and professional education programs, have been strikingly successful. In 1993, there were approximately 3 million reports of children suspected of being abused or neglected. This is a twenty-fold increase from 1963, when about 150,000 children were reported to the authorities.

Many ask whether this vast increase in reporting signals a rise in the incidence of child maltreatment or whether the maltreatment existed before and was not identified. Unfortunately, so many cases of maltreatment previously went unreported that earlier reporting statistics do not provide a reliable baseline against which to make comparisons.

As a result of these laws, many thousands of children have been saved from serious injury and even death. The best estimate is that over the past 20 years, child abuse and neglect deaths have fallen from over 3,000 a year to about 1,100 a year.

But further improvement of the system requires reducing the number of unfounded and false reports. The problems of nonreporting and inappropriate reporting are linked and must be addressed together before further progress can be made in combating child abuse and neglect.

Section 106 amends section 104 of the act to retain authorization for a national clearinghouse for information relating to child abuse and neglect and to expand the duties of such a clearinghouse to include collecting data on false and unsubstantiated reports of child abuse and neglect.

Section 111 makes changes in the definition of child abuse and neglect to give States greater flexibility in targeting investigations and services toward the most serious allegations of abuse and neglect.

REVISED ELIGIBILITY CRITERIA

Section 107(b) requires States, in order to be eligible for a grant, to provide assurances signed by the chief executive officer of that State that it has in effect a State law or statewide program relating to child abuse and neglect. These eligibility criteria include requirements that States have provisions or procedures for the reporting of known and suspected instances of child abuse and neglect; procedures for the immediate screening, safety assessment, and prompt investigation of such reports, and 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.

The revised State eligibility criteria and State plan are designed to ensure that States are responsible for planning and implementing the essential elements of an effective and efficient child protective service system without placing undue administrative burdens on States. The role of the Federal Government is to ensure that States have a child protection system in place which is capable of responding to needs, that information about the effectiveness of the system is made public, and that States exhibit continuous improvement in providing assistance to children whose families abuse or neglect them.

EXPUNGEMENT OF RECORDS

The committee is concerned that families are being negatively (and sometimes unjustly) affected by a State or locality's maintenance of public records of unsubstantiated allegations of abuse or neglect.

Sec. 107(b)(1)(H) requires States to provide assurances that it has in place procedures 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. The committee explicitly reaffirms that nothing in this section shall be interpreted to prevent State child protective service agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment.

CHANGE IN CHILD ABUSE DEFINITION

Section 111 makes changes to the definition of child abuse and neglect contained in section 113 of the act to provide that States define child abuse and neglect to mean, 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."

Testimony presented to the committee suggests that society has delegated or relegated to Child Protective Service (CPS) agencies

the entire responsibility for protecting children from abuse and neglect and that those agencies have accepted and attempted to implement that responsibility unilaterally. The result has been a CPS system that is burdened by unrealistic expectations and inadequate resources. The committee believes that public policies and procedures at all governmental levels should support CPS agencies. The protection of children demands quality investigations and services.

The committee has proposed a change in the definition of child abuse and neglect contained in CAPTA in order to facilitate a more appropriate focus on the functions of CPS agencies. As in the Federal statutory definition of child abuse and neglect currently contained in CAPTA, the new definition proposed by this legislation addresses elements of serious physical and mental injury, sexual abuse, and negligent treatment. This definition allows States to limit abuse and neglect definitions to serious harm to a child. At the same time, the definition, by specifying "at a minimum", allows States, if they wish, to define child abuse and neglect more broadly. The intent of this legislation is not to force States to change their current definitions; instead, the new definition accommodates those States which choose to limit the scope of CPS interventions to cases involving serious harm. The change in definition follows from the committee's belief that Federal leadership to States must allow States the flexibility they need to protect children rather than perpetuate Federal micromanagement.

The committee has intentionally distinguished physical and emotional harm situations. States have been given the option of incorporating the concept of "serious harm" from cases of alleged sexual abuse and exploitation, where no "serious harm" qualifier is intended. The bill maintains the current definition of sexual abuse which broadly covers unlawful sexual acts with children.

The committee recognizes that some States may choose to restrict their protective interventions to cases where, at the least, an imminent risk of serious harm is presented. The Committee believes, however, that there are some child neglect situations where interventions should not be this limited, for example, cases where very young children are left "home alone".

In using the word "recent" as a qualifier to parental action or inaction which constitute child maltreatment, the committee does not intend that States should limit their authority in situations where past evidence may suggest that children are still at risk. For example, this includes, but is not limited to physicians diagnosing through x-rays a child's previously broken bones or other injuries in various stages of healing that appear consistent with the "battered child syndrome."

DATA COLLECTION AND RESEARCH

Subsection (f) of section 109 requires States receiving grants under this section, in consultation with the Secretary, to provide, to the maximum extent practicable, data on a number of indicators regarding reports of child abuse and neglect and child protective services agencies' responses to these reported cases. This was done in order to provide Congress and the public with the first comprehensive and reliable information about the condition and performance of the Nation's child protective/child welfare system. The

committee believes this will enhance the availability of data needed to assess the functioning of child protective services at the State and Federal levels.

The committee recognizes that some of the information is already being reported by the majority of States through the National Child Abuse and Neglect Data System. In order to prevent duplication of efforts, the committee encourages the Secretary and the States to integrate the submission of data under this subsection with the ongoing data collection activity authorized in section 106. Furthermore, the committee encourages the Secretary to work with the States to identify the most effective and efficient means for collecting other data items requested in the annual State data reports.

RESEARCH

Section 107 amends section 105 of the act to restructure the research activities function of the Secretary of HHS by requiring research in a variety of areas including: the extent to which unsubstantiated, unfounded and false reported cases contribute to the inability of States to respond effectively to serious cases of child abuse or neglect; the incidence of physical, sexual, and emotional abuse and neglect in substitute care; the extent to which the lack of adequate resources and training of reporters have contributed to the inability of States to respond promptly to serious cases of child abuse and neglect; and the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings.

The committee believes that scientifically valid research in the field of child maltreatment will help ensure that scarce resources are allocated wisely. Funds invested to answer pressing questions about child maltreatment—e.g. the effectiveness of treatment and prevention programs; the relationship between child abuse and other social problems such as drug abuse, domestic violence, and juvenile crime; the effects of abuse over the life span—will be repaid in our ability to develop effective strategies for prevention and appropriate intervention.

The committee feels strongly that rigorous scientific research into child maltreatment is important to the Nation's well being. The committee encourages the Secretary to ensure that (1) the peer review process for research grants is rigorous and meritorious, and (2) experts in the field of child maltreatment research are highly involved in determining the research agenda.

The committee also notes that in recent years research has begun to explore the links between child abuse and other family violence. To promote these efforts, the committee urges the Secretary to initiate research projects in this area and to develop proposals for better coordination between child abuse prevention and treatment activities and family violence prevention and services activities.

PEER REVIEW PROCESS

Section 107 also strengthens the peer review process to ensure that research exhibiting the highest level of scientific merit and technical rigor receives primary consideration for Federal funding.

The committee notes the success of the peer review process widely employed by the National Institutes of Health and suggests to the Secretary that it may serve as an appropriate model for child maltreatment research grants.

The committee further notes that significant resources have been invested in field-generated research. The committee encourages the Secretary to develop research priorities, in consultation with recognized experts in the field, that avoid duplication of previous efforts.

IMMUNITY FROM PROSECUTION

Under current law, CAPTA requires, as part of the State eligibility requirements, that mandated reporters received full immunity from prosecution for all reports (professional or otherwise) of suspected child abuse. Almost two-thirds of abuse and neglect reported is not substantiated. There is a disturbing trend of estranged spouses using charges of abuse against the ex-spouse to gain custody of children.

In order to address this problem, the committee gives States authority to prosecute persons who knowingly or maliciously file false abuse charges while protecting those who report in "good faith," under Section 109(b)(1)(D).

According to "Recognizing Child Abuse," by American Enterprise Institute Resident Scholar Douglas Besharov, mandated reporters are frequently told to "take no chances" and to report any child for whom they have the slightest concern. Some individuals report cases where children whose behavior suggests that they may have been abused—even in the absence of any other evidence of maltreatment. These "behavioral indicators" may include, for example, children who are unusually withdrawn or shy as well as children who are unusually friendly to strangers. However, Besharov concludes that only a small minority of children who exhibit such behaviors have actually been maltreated.

In exercising "good faith immunity," States may act to protect mandated reporters who, in exercising their professional judgment, decide not to report a questionable circumstance which they believe does not constitute child abuse or neglect. This, however, is not intended to weaken current reporting requirements where child abuse or neglect is suspected.

LOCAL DEMONSTRATIONS

Section 108 amends section 106 of the act to give the Secretary authority to make grants for demonstration programs for (1) training and educational opportunities for professionals, families, service providers, and communities; (2) child abuse resource centers; (3) mutual support and self-help programs aimed at preventing child abuse and neglect; (4) triage systems based upon case assessments that facilitate more than one response to reports of abuse; (5) kinship care programs; and (6) supervised visitation centers for families where there is court ordered supervised visitation as a result of child abuse or domestic violence.

The committee concludes that one uniform response by child protective service agencies to all reports of child abuse and neglect can lead to inappropriate and insufficient approaches to the wide variety of reports currently being received by these agencies.

The committee encourages the Secretary, through this demonstration category, to pursue innovative approaches to responding to reports of child abuse and neglect. For example, Florida and Missouri are conducting demonstration projects that permit child protective service agencies to develop different courses of action responsive to and appropriate to the variety of reports received. The committee intends that these demonstration projects would include at least two responses: one comprehensive assessment that provides for the delivery of services to prevent child abuse and neglect and advance the well-being of the child and other family members; the other, an investigation in cooperation with law enforcement of the most serious reports. This investigation shall place an emphasis on intensive, possibly judicial, intervention to protect the child and shall be accompanied by services and supports designed to prevent further abuse and neglect. The committee intends that a triage system be developed which shall respond to reports in a manner most appropriate for protecting the safety of the child, to achieve family preservation (where possible), and to enhance the well being of all family members.

The committee also concludes that child protective service agencies, even in conjunction with law enforcement and the courts, cannot alone fulfill all of society's responsibility for protecting children. Throughout the Nation, a wide array of voluntary organizations concerned with the quality of neighborhood and community life participate in partnerships to assist in the prevention of child maltreatment.

Community agencies (including community social service agencies), schools, and religious institutions often possess a unique capacity to initiate activities necessary for the promotion of a responsive community child protection system. This involvement must be fostered and developed.

The committee does not intend that these other sectors of the community replicate the roles appropriate to child protection service agencies (particularly the acceptance, screening and initial assessment of reports and the investigative or intensive intervention roles). Rather these other sectors of the community should each assume their own appropriate roles (particularly outreach to families, an ongoing assessment of strengths and needs, and the provision of services and supports in both preventing and responding to child abuse and neglect.

The committee is particularly interested in demonstrations which enable families reported for child abuse and/or neglect to receive the needed services and supports through collaborative partnerships between the child protective service agency and other sectors of the community. The committee intends that this reliance on the larger community for services for children and families complements rather than replaces the provision of services by staff of the child protective service agency. The committee urges States participating in this demonstration to reallocate some of the resources currently committed to investigations.

The committee recognizes that building on the strengths of families by promoting parental competencies and capacities is an important component of child abuse prevention. Therefore, the committee has included bill language authorizing a demonstration grant to

maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities. It is critical to enhance the capacity of community-based services which promote working partnerships with families in need to address problems before child protective service intervention is required. Families should be able to ask for and receive help early through programs such as Parents Anonymous which effectively deal with potential child abuse situations.

The unique Parents Anonymous model of shared leadership between parents and professionals exemplifies the notion that by building on the strengths of families, child abuse and neglect can be prevented. This cost saving effort fosters community ownership, self reliance, and mutual support in neighborhoods all across the United States.

MEDICAL NEGLECT

CAPTA currently allows, but does not require, States to exempt parents from prosecution on grounds of medical neglect if the parent was employing alternative means of healing as part of the parent's religious practice. CAPTA currently requires the States to have procedures in place to report, investigate and intervene in situations where children are being denied medical care needed to prevent harm.

In recent years, HHS has moved to disqualify certain States from CAPTA funding based on the State's application of the religious exemption for medical neglect. In the fiscal year 1995 Labor/Health and Human Services/Education appropriations bill, Congress placed a 1-year moratorium to prevent HHS from enforcing its policy.

A concern has been raised by several religious organizations with respect to the current law.

The committee intends through section 115(b) to clarify that a State's child protection system should be structured so as to ensure that the State is able to prevent the withholding of medically indicated treatment from children with life threatening conditions (including "Baby Does") and in cases where the child is in jeopardy of serious harm.

Section 113 of the bill adds a new section 115 that addresses the issue of spiritual treatment of children. The section does not require a parent or legal guardian to provide a child with medical service or treatment against their religious beliefs, nor does it require a State to find, or prohibit a State from finding, abuse or neglect cases where the parent or guardian relied solely or partially on spiritual means rather than medical treatment in accordance with their religious beliefs. The section does require a State to have in place authority under State law to pursue any legal remedies necessary to provide medical care or treatment 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.

The committee affirms the States' sole discretion over its case by case determinations relating to medical neglect. Section 115 should not, however, be interpreted to discourage the reporting of such

incidences to child protective services nor to exempt any child's situation from State reporting requirements.

MULTIETHNIC PLACEMENT ACT

State law governs adoption and foster care placement. At least 35 States permit race to be used as one of many factors in making adoption and foster care placement decisions. The Multiethnic Placement Act of 1994, passed by both the House and Senate and signed into law by the President, permits States, under specific circumstances, to consider race and ethnicity as one of many factors in selecting a foster care or adoptive home. S. 919 does not repeal that legislation.

The committee reaffirms its commitment to protecting the best interests of the child through permanency planning and placement of the child in a loving and appropriate home as soon as possible.

The committee encourages the States to redouble their efforts to actively recruit families from a variety of experiences, races, cultures and religions to meet the needs of children in their care.

TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

CREATION OF A NEW PROGRAM

Section 201 amends title II of the act to create a new program—Community-Based Family Resource and Support Grants—by combining the authority for the Community-Based Family Grants, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Grants, and the Family Support program (title VII (9) of the McKinney Homeless Assistance Act.)

The purpose of the new program is to support State efforts through formula grants to develop, operate and expand a network of community-based, prevention focused family resource and support programs that coordinate resources among a wide range of existing public and private organizations (including education, disability, community action, child care, child abuse and neglect, Head Start, juvenile justice, domestic violence, and housing). The title repeals the authority of the three programs listed above.

LEAD ENTITY

Section 202(1)(A) provides that in order for a State to be eligible for funds under this title, the chief executive officer must designate an entity to administer funds for the purposes identified under this title.

In making that designation, the committee intends that States have maximum flexibility regarding the designation of a lead entity. The lead entity should be the most appropriate organization to accomplish the preventive family resource goals of this title. This determination should be based on an entity's ability to integrate family resource services and to leverage and blend State, Federal and private funds at the local level for family resource programs. The legislation specifically requires that the State choose an entity that has demonstrated commitment and an ability to work with public and private State and community-based organizations. The committee does not intend for States that have already made ex-

tensive progress in developing family resource programs to designate a new or different entity than that which they currently have.

The committee foresees the entity designation varying from State to State, depending upon the needs in a particular State. Therefore, a lead entity could be the Children's Trust Fund, nonprofit intermediary, or a State agency in collaboration with other organizations. Undue Federal prescriptiveness does not reflect the committee's intention to provide the States with maximum flexibility regarding the choice of the lead entity.

ELIGIBILITY

The committee intends in section 202(2)(C) that grants be used to fund programs of statewide networks of services rather than a series of categorical programs.

ADVISORY BOARD

The committee intends in section 202(2)(A) that the lead entity work with an advisory board or other structure of public and private partners and parents to advise and help direct the program. This board is not required to have a specific legal status or organizational structure.

EXISTING AND CONTINUATION GRANTS

The committee intends in section 204 that grants which are currently funded under the Family Resources and Support Program, the Community-Based Family Resource Program, the Family Support Center Program, the Emergency Child Abuse Prevention Grant Program or the Temporary Child Care Children with Disabilities and Crisis Nurseries Programs continue, subject to the original terms of the grants through the end of the applicable cycle.

Continuation grants are authorized to enable statewide networks developed under the Family Resource and Support program to continue operating without a disruption of services.

APPLICATION

Section 205(a)(3) requires each State to provide "an assurance that an inventory of current family resource programs, respite, child abuse and neglect prevention activities, and other family resource services operating in the State and a description of current unmet needs." Congress does not intend to duplicate requirements in the Social Security Act, title IV-B by requiring that a separate assessment be conducted.

NATIONAL NETWORK

Section 208 provides that the activities of the lead entities be supported by a National Network for Community-Based Family Resource programs. The Secretary has the discretion to use such sums as are necessary from the amount provided under the State allotments to support the activities of a National Network. The membership includes, but is not limited to, those enumerated in title II. A National Network is to provide activities and support services which, through conferences and meetings, a peer review

process, and an information clearinghouse, will improve the lead entities and statewide networks.

CHILD ABUSE PREVENTION AND FAMILY RESOURCE SUPPORT PROGRAMS

Section 207(a)(5) requires States to combine or leverage private, State, and Federal funds and to direct those funds to integrated prevention services. The committee intends that the child abuse and neglect prevention activities be part of the integrated network of services among a variety of services available through Family Resource Centers. The committee further intends that the centers ensure universal access to services provided.

RESPIRE AND NON-CORE SERVICES

The committee recognizes that respite is a critical and cost-effective component of family support. Therefore, section 206(3)(B) requires States to provide access to respite care and other optional services, although individual resource and support centers are not required to provide these services on-site. In using the phrase "to the extent practicable," the committee has not intended to limit the ability of the lead entity or the local program to providing or arranging for respite as part of a broader array of family resource services. The local program should make every effort to provide, or to locate and assure access to, such services for the families who require respite care, especially those at risk of abuse or neglect.

PRIORITY FOR LOCAL FUNDING

In section 206(b) the committee intends that local initiatives which are funded by any of the programs consolidated into the Family Resource and Support Program may apply for continued local program funding as part of a State's network as long as they meet local program requirements.

PARENTAL INVOLVEMENT

The committee believes that parents should have a vital role in the development and maintenance of the services planned under this title. The lead entity and local programs are strongly encouraged to foster and maintain leadership roles for parents in partnership with professionals. It is the committee's belief that strong parental involvement will result in community-based prevention services which better address family needs at the neighborhood level. Meaningful, ongoing and effective parental involvement in policy and program decisions will require a strong commitment by the lead entity and local programs. To ensure parental involvement, the lead entity and local programs should establish mechanisms, conduct training, and devise parent leadership strategies, with the assistance of organizations such as Parents Anonymous.

GRANTS TO TRIBES

Section 203(a) reserves 1 percent of funding for Indian tribes, tribal organizations and migrant programs. Recognizing that all of the requirements for State programs contained in this title may not be appropriate for tribes, the committee urges the Secretary to

make discretionary grants to tribes, tribal organizations, and migrants that further the purposes of this title.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

The Family Violence program provides grants to assist in supporting programs and projects to prevent incidents of family violence and their children. The Violence Crime Control and Law Enforcement Act of 1994 reauthorized this program through fiscal year 2000. S. 919 clarifies and codifies the distribution of funds for activities authorized by the Family Violence Prevention and Services Act. S. 919 establishes that 70 percent of funds are to be used for grants to States, 10 percent to tribes, 10 percent for State domestic violence coalitions, 5 percent for information and technical assistance centers, and 5 percent for other activities.

Only minor technical corrections were made to this program to reconcile it with the Violence Crime Control and Law Enforcement Act of 1994.

TITLE IV—ADOPTION OPPORTUNITIES ACT

The Adoption Opportunities Act seeks to find permanent families for children who are free for adoption, especially children with special needs. The committee has included several technical changes to reflect projects that are no longer needed or had previously been accomplished by the Secretary. The committee has included language requiring that Secretary to study and report on the efficacy of States contracting with public or private nonprofit agencies, community-based organizations, or sectarian institutions for the recruitment of potential adoptive and foster care families and for the Secretary to provide assistance in the placement of children for adoption

TITLE V—ABANDONED INFANTS ASSISTANCE ACT

The committee has reauthorized this program without any changes.

TITLE VI—REAUTHORIZATION OF VARIOUS PROGRAMS

At the request of the Judiciary Committee, the Missing Children's Assistance Act and section 214B of the Victims of Child Abuse Act are reauthorized for 2 years at current funding levels. An evaluation provision was added to the Missing Children's Assistance Act to provide the program the opportunity to demonstrate the effectiveness of its activities. It is the intent of the Judiciary Committee to look at these two programs, as well as other related Judiciary Committee programs, within the context of the reauthorization of the Juvenile Justice and Delinquency Prevention Act which is scheduled for reauthorization in 1996.

It is the intention of the Labor Committee and the Judiciary Committee to continue to authorize the following programs as they currently exist: Grants to States for Child Abuse and Neglect Prevention and Treatment Programs, the National Center for the Prosecution of Child Abuse, and the Crime Victims Assistance Program,

and the Children's Justice Act Program for Native Americans. These programs are self-funded through the Department of Justice trust funds, and therefore, do not require specific reauthorization, as no changes were made in the programs.

V. AGENCY VIEWS

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, June 20, 1995.

Hon. DAN COATS,
Chairman, Subcommittee on Children and Families, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN COATS: This letter expresses the Administration's view on S. 919, the "Child Abuse Prevention and Treatment Act Amendments of 1995" that you have sponsored with Senator Kassebaum.

The Administration supports your efforts to reauthorize the Child Abuse Prevention and Treatment Act (CAPTA) and several other vital children's programs. In 1993, over one million children were victims of substantiated child abuse and neglect, and each year about 2000 children die as a result of child maltreatment. The Child Abuse Prevention and Treatment Act, together with the Adoption Opportunities program and the Abandoned Infants Assistance Act, are important components of federal, state and community efforts to help our Nation's most vulnerable children.

Child Abuse Prevention and Treatment Act (CAPTA)

We applaud the overall direction of S. 919 to simplify the administration of CAPTA and to provide states with greater flexibility in the operation of this program. We believe that research, demonstrations, and technical assistance are essential activities, and commend the steps you have taken in your legislation to strengthen them.

The Administration shares your commitment to effective child abuse prevention activities, and appreciates your proposal to reauthorize Title II of CAPTA, which is similar to the President's FY 1996 Budget proposal to consolidate Family Support Centers with Community-Based Resource Centers. This provision directs attention and resources on family-focused, community-based approaches to preventing child abuse and neglect. The consolidation of the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act with the Community-Based Child Abuse and Neglect Prevention Grants will further streamline these efforts.

The Administration looks forward to working with you during the legislative process to further coordination between CAPTA and other federal child welfare legislation; ensure an appropriate balance between the need to protect families against over-intrusive public action and the need to protect children from harm; ensure the provision of community-based respite services; encourage attention at the federal and state level to the links between child abuse and domestic violence; and ensure the appropriate level of reporting from the state agencies.

Adoption opportunities and abandoned infants

For those children who cannot safely remain with their families, prompt placement into a loving adoptive home is crucial to their stability and well-being. The Administration supports the proposed reauthorization of the Adoption Opportunities program, which has played a key role in encouraging high quality adoption services. Similarly, we support the bill's continuation of the Abandoned Infants program, which is carefully targeted to help provide care for sick or abandoned babies in the most impacted communities.

The Administration appreciates your commitment and leadership on behalf of abused and neglected children and vulnerable families. We look forward to working with the Committee on the passage of a bipartisan bill that supports families and enhances children's safety and well-being, and promotes opportunity of all children to be raised in a permanent and loving home.

The Office of Management and Budget advises that there is no objection to the transmittal of this letter to the Congress. A similar letter is being sent to Senator Kassebaum.

Sincerely,

DONNA E. SHALALA.

VI. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 6, 1995.

Hon. NANCY LANDON KASSEBAUM,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has reviewed S. 919, the Child Abuse Prevention and Treatment Act Amendments of 1995, as ordered reported by the Senate Committee on Labor and Human Resources on June 21, 1995.

CBO estimates that enactment of S. 919 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dorothy Rosenbaum.

Sincerely,

JUNE E. O'NEILL.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 919.
2. Bill title: Child Abuse Prevention and Treatment Act Amendments of 1995.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on June 21, 1995.
4. Bill purpose: S. 919 would modify and extend the authorization of appropriations for programs authorized by Child Abuse Prevention and Treatment Act and other related acts.
5. Estimated cost to the Federal Government: The budgetary effects of the legislation are summarized below, both with and without adjusting the authorizations of appropriation for inflation in years when the amount authorized is not specified.

PROJECTED SPENDING UNDER S. 919—WITH INFLATION ADJUSTMENT FOR UNSPECIFIED AUTHORIZATIONS

[By fiscal years, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Spending Under Current Law:						
Estimated authorizations ¹	128	19	8	8	.....	.....
Estimated outlays	104	114	33	13	8	1
Proposed Changes:						
Child Abuse Prevention and Treatment Act:						
General Program:						
Estimated authorizations		100	103	107	111	115
Estimated outlays		9	82	103	107	110
Community-based Child Abuse and Neglect:						
Prevention Grants:						
Estimated authorizations		108	108	108	108	108
Estimated outlays		11	94	108	108	108
Adoption Opportunities:						
Estimated authorizations		20	21	21	22	23
Estimated outlays		2	17	21	21	22
Abandoned Infants Assistance:						
Estimated authorizations		35	36	37	39	40
Estimated outlays		4	31	36	37	39
Missing Children's Assistance:						
Estimated authorizations			7	.....	.....	.....
Estimated outlays			2	3	3	(?)
Victims of Child Abuse Act:						
Estimated authorizations			5	2	2	2
Estimated outlays			1	2	3	2
Family Support Centers:						
Estimated authorizations		-8	-8	-8	.....	.....
Estimated outlays		-1	-7	-8	-7	-1
Total proposed changes:						
Estimated authorizations		255	272	268	282	288
Estimated outlays		25	220	265	272	281
Authorization of Appropriations Under S. 919:						
Estimated authorizations	128	275	280	276	282	288
Estimated outlays	104	139	253	278	280	282

¹ The 1995 figure is the amount actually appropriated for that fiscal year.² Less than \$500,000.

Note.—Details may not add to totals due to rounding.

PROJECTED SPENDING UNDER S. 919—WITH NO INFLATION ADJUSTMENT FOR UNSPECIFIED AUTHORIZATIONS

[By fiscal years, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Spending Under Current Law:						
Estimated authorizations ¹	128	19	7	7	.....	.....
Estimated outlays	104	113	32	12	7	1
Proposed Changes:						
Child Abuse Prevention and Treatment Act:						
General Program:						
Estimated authorizations		100	100	100	100	100
Estimated outlays		9	82	100	100	100
Community-based Child Abuse and Neglect:						
Prevention Grants:						
Estimated authorizations		108	108	108	108	108
Estimated outlays		11	94	108	108	108
Adoption Opportunities:						
Estimated authorizations		20	20	20	20	20
Estimated outlays		2	17	20	20	20
Abandoned Infants Assistance:						
Estimated authorizations		35	35	35	35	35
Estimated outlays		4	30	35	35	35
Missing Children's Assistance:						
Estimated authorizations			7	.....	.....	.....

PROJECTED SPENDING UNDER S. 919—WITH NO INFLATION ADJUSTMENT FOR UNSPECIFIED
AUTHORIZATIONS—Continued
[By fiscal years, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Estimated outlays			2	3	2	(?)
Victims of Child Abuse Act:						
Estimated authorizations			5	2	2	2
Estimated outlays			1	2	3	2
Family Support Centers:						
Estimated authorizations		-7	-7	-7		
Estimated outlays		-1	-6	-7	-7	-1
Total proposed changes:						
Estimated authorizations		256	267	258	265	265
Estimated outlays		25	220	260	261	264
Authorization of Appropriations Under S. 919:						
Estimated authorizations	128	274	274	265	265	265
Estimated outlays	104	138	252	272	269	265

¹The 1995 figure is the amount actually appropriated for that fiscal year.

²Less than \$500,000.

Note.—Details may not add to totals due to rounding.

The costs of this bill fall within budget function 500.

6. Basis of estimate: S. 919 authorizes appropriations for fiscal years 1996 through 2000 for programs under the Child Abuse Prevention and Treatment Act, the Adoptions Opportunities Program, and the Abandoned Infants Assistance Program. The bill authorizes appropriations for 1996 and 1997 for Missing Children's Assistance and Regional and Local Children's Advocacy Centers under the Victims of Child Abuse Act. The bill authorizes appropriations for Technical Assistance under the Victims of Child Abuse Act for 1996 through 2000. The programs authorized by the Victims of Child Abuse Act are currently authorized through fiscal year 1996. S. 919 also consolidates three programs—Community-based Resource Centers, Family Support Centers, and Temporary Child Care for Children with Disabilities and Crisis Nurseries—into a new Community-based Family Resource and Support Grant Program.

Where the authorization amount is not specified, CBO estimates the authorization under two scenarios. Under the first scenario, the stated amount for 1996 is adjusted for projected inflation thereafter. Under the second scenario, the projected authorization level is assumed to be equal to the stated amount for 1996. Estimated outlays assume full appropriation of the amounts assumed to be authorized.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Dorothy Rosenbaum and Mark Grabowicz.

12. Estimate approved by: Paul N. Van de Water, Assistant Director, for Budget Analysis.

VII. REGULATORY IMPACT STATEMENT

The committee has determined that there will be minimal increases in the regulatory burden imposed by this bill.

VIII. SECTION-BY-SECTION ANALYSIS

TITLE I—CHILD ABUSE GENERAL PROGRAM

Section 1 establishes the short title of the act to be the “Child Abuse Prevention and Treatment Act Amendments of 1995.”

Section 101 establishes that all amendments in the act pertain to the Child Abuse Prevention and Treatment Act.

Section 102 amends section 2 of the act, which contains the findings section.

Section 103 amends section 101 of the act to allow the Secretary of the Department of Health and Human Services (HHS) to establish an Office on Child Abuse and Neglect, which would be responsible for executing and coordinating the functions and activities of the act. This section thereby repeals the current mandate for a National Center on Child Abuse and Neglect.

Section 104 amends section 102 of the act by repealing the current mandate for a U.S. Advisory Board on Child Abuse and Neglect, and instead allowing the Secretary of HHS to appoint an advisory board to make recommendations concerning child abuse and neglect issues. Duties of the new board include making recommendations on: the coordination of Federal, State and local child abuse and neglect activities with similar activities regarding family violence at those levels; specific modifications needed in Federal and State laws to reduce the number of unfounded or unsubstantiated reports of abuse or neglect while increasing attention to severe cases of child treatment; and modifications needed to facilitate coordinated data collection with respect to child protection and child welfare.

Section 105 repeals section 103 of the act, which establishes an interagency task force on child abuse and neglect.

Section 106 amends section 104 of the act to retain authorization for a national clearinghouse for information relating to child abuse and neglect and expands the duties of such a clearinghouse to include collecting data on false and unsubstantiated reports and deaths resulting from child abuse and neglect. The collection and dissemination of such data will involve information which, to the extent practicable, is universal and case specific and is integrated with other case-based foster care and adoption data.

Section 107 amends sections 105 of the act to restructure the research activities function of the Secretary of HHS by requiring research on additional issues, including substantiated and unsubstantiated reported child abuse cases.

Section 107 also expands the technical assistance that can be provided under the act to include evaluation or identification of various methods for investigation, assessment, and prosecution of child physical and sexual abuse cases; resultant ways to mitigate psychological trauma to the child victim; and effective programs carried out by the States under titles I and II of the act.

Additionally, section 107 allows the Secretary of HHS to provide for the dissemination of information relating to various training resources available at the State and local levels to individuals who interact with child abuse victims.

And finally, section 107 continues authorization for a formal peer review process which utilizes scientifically valid review criteria.

Section 108 amends section 106 of the act to retain authority for the demonstration grants program and to change the criteria for awarding grants under the program. The areas that States and localities can submit projects for are: training and educational opportunities for professionals, families, service providers, and communities, as well as training and educational opportunities through child abuse resource centers; mutual support programs for parents and self-help programs; and such other innovative programs as the Secretary may approve, including the use of a training system that differentiates in its response to various degrees of reported abuse and neglect, kinship care programs, and supervised visitation centers for families where there is child abuse or domestic violence. All demonstration projects will be evaluated for their effectiveness.

Section 109 amends section 107 of the act, related to the basic State grant program, by changing the eligibility requirements for this program. States must now submit a plan every 5 years (instead of 4) demonstrating their eligibility and specifics about how the grant money will be used.

To be eligible for funds, States must provide an assurance or certification, signed by the chief executive officer of the State, that the State has a law or statewide program relating to procedures for: reporting of known and suspected instances of child abuse and neglect; immediate screening, safety assessment, and prompt investigation of such reports; procedures for immediate steps to be taken to protect the safety of children; provisions for immunity from prosecution for individuals making good faith reports of child abuse; methods for preserving confidentiality of records; requirements for the prompt disclosure of relevant information to appropriate entities working to protect children; the cooperation of law enforcement officials, court personnel and human service agencies; provision for the appointment of a guardian ad litem to represent the child in any judicial proceedings; and provisions that facilitate the prompt expungement of unsubstantiated or false child abuse reports.

The section retains the requirement that States have in place procedures for responding to reports of medical neglect, including instances of withholding medically indicated treatment from disabled infants with life-threatening conditions. In addition, States must have in place, within 2 years of enactment of the act, provisions by which individuals who disagree with an official finding of abuse or neglect can appeal such a finding.

Section 109 also requires States to submit an annual data report which will detail, among other things, information on the number of children reported for abuse, the types and quality of services provided, and the number of children injured or killed as a result of abuse or neglect.

Section 110 repeals section 108 of the act, which provides technical assistance to States for child abuse prevention and treatment programs. This function is transferred to the Secretary.

Section 111 makes changes to definitions contained in section 113 of the act. It strikes the definitions for "board" and "center," and changes the definition of "child abuse and neglect" to mean, 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.”

Section 112 amends section 114(a) of the act related to authorization of appropriations to maintain the current authorization level of \$100 million and to change the years the program is authorized to fiscal year 1997 through 2000, and to require that 33 $\frac{1}{3}$ percent of funds be spent on discretionary activities and that no more than 40 percent of the amount spent on demonstration projects under section 106.

Section 113 adds a new section 115 that addresses the issue of spiritual treatment of children. The section does not require a parent or legal guardian to provide a child with medical service or treatment, against his or her religious beliefs, nor does it require a State to find, or prohibit a State from finding, abuse or neglect in cases where the parent or guardian relied solely or partially on spiritual means rather than medical treatment, in accordance with their religious beliefs. The section does require a State to have in place authority under State law to pursue any legal remedies necessary to provide medical care or treatment 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. Each State has sole discretion over its case by case determinations relating to medical neglect.

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

Section 201 amends title II of the act to create a new program—Community-Based Family Resource and Support Grants—by combining the authority for the Community-Based Family Resource Grants, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Grants, and the Family Support program (title VII(F) of the McKinney Homeless Assistance Act). The purpose of the new program is to support State efforts through formula grants to develop, operate and expand a network of community-based, prevention-focused family resource and support programs that coordinate resources among a wide range of existing public and private organizations (including education, disability, community action, child care, child abuse and neglect, Head Start, juvenile justice, domestic violence, and housing). The section repeals the authority of the three programs listed above. The authorization level is increased for this program to \$108 million for each fiscal year from 1996 to 2000.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

Sections 301–304 retain authority for the Family Violence Prevention and Services Act and make technical corrections to reconcile differences between this act and the Violence Against Women Act.

TITLE IV—ADOPTION OPPORTUNITIES

Sections 401–404 retain authority for the Adoption Opportunities Program, make amendments to the findings and purposes section,

and strike references to projects that have been completed by the HHS. Additionally, the section requires the Secretary of HHS to report on the efficacy of requiring States to contract with public, private non-profit, and sectarian institutions for recruitment of foster and adoptive parents and for assistance with placing children with special needs. The authorization level is \$20 million for fiscal year 1996 and such sums as may be necessary through fiscal year 2000.

TITLE V—ABANDONED INFANTS ASSISTANCE

Section 501 extends the authorization of appropriations for the Abandoned Infants Assistance Act of 1986. The authorization level is \$35 million for fiscal year 1996 and such sums as may be necessary for fiscal years 1997 through 2000.

TITLE VI—REAUTHORIZATION OF VARIOUS PROGRAMS

Section 601 extends the authorization of appropriations for the Missing Children's Assistance Act through fiscal year 1997 and requires that the administrator use not more than 5 percent of the appropriated amounts to conduct an evaluation of programs under the act.

Section 602 extends the authorization of appropriations for section 214B of the Victims of Child Abuse Act of 1990 for 2 years.

IX. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Child Abuse Prevention and Treatment Act

* * * * *

SEC. 2. FINDINGS.

Congress finds that—

[(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;]

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

* * * * *

(3) the problem of child abuse and neglect requires a comprehensive approach that—

* * * * *

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

* * * * *

(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of

【tens of】 thousands of children and results in a cost to the Nation of billions of dollars in 【direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;】 *tangible expenditures, as well as significant intangible costs;*

* * * * *

(7) national policy should strengthen families to 【remedy the causes of】 *prevent* child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, *safety*, self-respect, and dignity of the child;

* * * * *

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

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

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

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

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

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

(E) helping communities to carry out their 【child protection】 *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.

TITLE I—GENERAL PROGRAM

【SEC. 101. NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

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

【(b) APPOINTMENT OF DIRECTOR.—

【(1) APPOINTMENT.—The Secretary shall appoint a Director of the Center. Except as otherwise provided in this Act, the Director shall be responsible only for administration and oper-

ation of the Center and for carrying out the functions of the Center under this Act. The Director shall have experience in the field of child abuse and neglect.

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

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

SEC. 101. OFFICE OF 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) shall be to execute and coordinate the functions and activities of this Act. 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.

[SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

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

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

[(c) COMPOSITION OF BOARD.—

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

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

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

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

[(A) law (including the judiciary);

[(B) psychology (including child development);

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

[(D) medicine (including pediatrics);

[(E) State and local government;

- [(F) organizations providing services to disabled persons;
- [(G) organizations providing services to adolescents;
- [(H) teachers;
- [(I) parent self-help organizations;
- [(J) parents' groups; and
- [(K) voluntary groups.

[(3) TERMS OF OFFICE.—(A) Except as otherwise provided in this subsection, members shall be appointed for terms of office of 4 years.

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

[(i) 4 shall be appointed for terms of office of 2 years;

[(ii) 4 shall be appointed for terms of office of 3 years; and

[(iii) 5 shall be appointed for terms of office of 4 years, as determined by the members from the general public during the first meeting of the board.

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

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

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

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

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

[(f) DUTIES.—The board shall—

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

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

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

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

[(A) programs;

[(B) research;

[(C) grant and contract needs;

[(D) areas of unmet needs; and

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

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

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

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

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

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

[(g) COMPENSATION.—

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

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

[(3) RESTRICTION.—The Director may not compensate a member of the board under this section if the member is receiving compensation or travel expenses from another source while serving on business of the board.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.]

SEC. 102. 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).

(c) *COMPOSITION.*—In establishing the board under subsection (a), 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 consider-

ation to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

- (1) law (including the judiciary);
- (2) psychology (including child development);
- (3) social services (including child protective services);
- (4) medicine (including pediatrics);
- (5) State and local government;
- (6) organizations providing services to disabled persons;
- (7) organizations providing services to adolescents;
- (8) teachers;
- (9) parent self-help organizations;
- (10) parents' groups;
- (11) voluntary groups;
- (12) family rights groups; and
- (13) children's rights advocates.

(d) *VACANCIES.*—Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

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

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

- (1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;
- (2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and
- (3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare.

[SEC. 103. INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT.

[(a) ESTABLISHMENT.—The Secretary shall establish a task force to be known as the Inter-Agency Task Force on Child Abuse and Neglect.

[(b) COMPOSITION.—The Secretary shall request representation for the task force from Federal agencies with responsibility for programs and activities related to child abuse and neglect.

[(c) CHAIRPERSON.—The task force shall be chaired by the Director.

[(d) DUTIES.—The task force shall—

- [(1)** coordinate Federal efforts with respect to child abuse prevention and treatment programs;
- [(2)** encourage the development by other Federal agencies of activities relating to child abuse prevention and treatment;
- [(3)** coordinate the use of grants received under this Act with the use of grants received under other programs;

[(4) prepare a comprehensive plan for coordinating the goals, objectives, and activities of all Federal agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and submit such plan to such Advisory Board not later than 12 months after the date of enactment of the Child Abuse Prevention, Adoption, and Family Services Act of 1988; and

[(5) coordinate adoption related activities, develop Federal standards with respect to adoption activities under this Act, and prevent duplication with respect to the allocation of resources to adoption activities.

[(e) MEETINGS.—The task force shall meet not less than three times annually at the call of the chairperson.

[(f) REPORTS.—The task force shall report not less than twice annually to the Center and the Board.]

SEC. 104. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

[(a) ESTABLISHMENT.—Before the end of the 2-year period beginning on the date of the enactment of the Child Abuse Prevention, Adoption, and Family Services Act of 1988, the Secretary shall through the Center, or by contract of no less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.]

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

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

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

(2) maintain and disseminate information relating to—

(A) the incidence of cases of child abuse and neglect in the [general population] *United States*;

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

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

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

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

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

- * * * * *
- (2) consult with the head of each agency [that is represented on the task force] *involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses* on the development of the components for information collection and management of such clearinghouse;
- (3) develop a Federal data system involving the elements under subsection (b) which, to the extent practicable, coordinates existing [State, regional, and local data systems; and] *Federal, State, regional, and local child welfare data systems which shall include:*
- (A) *standardized data on false, unfounded, unsubstantiated, and substantiated reports; and*
- (B) *information on the number of deaths due to child abuse and neglect;*
- (4) *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;*
- (5) *compile, analyze, and publish a summary of the research conducted under section 105(a); and*
- [(4)] (6) solicit public comment on the components of such clearinghouse.

SEC. 105. RESEARCH AND ASSISTANCE ACTIVITIES [OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT].

(a) RESEARCH.—

- (1) TOPICS.—The Secretary shall[, through the Center, conduct research on], *in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on—*
- (A) *the nature and scope of child abuse and neglect;*
- [(A)] (B) [the causes, prevention, identification,, treatment and cultural distinctions of child abuse and neglect] *causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;*
- [(B)] (C) *appropriate, effective and culturally sensitive investigative, administrative, and judicial procedures with respect to cases of child abuse; and*
- [(C)] (D) *the national incidence of child abuse and neglect, including—*

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

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

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

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

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

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

(v) the extent to which the lack of adequate resources and the lack of adequate training of reporters have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

[(3) compile, evaluate, publish, and disseminate to the States and to the clearinghouse, established under section 104, materials and information designed to assist the States in developing, establishing, and operating the programs described in section 109, including an evaluation of—

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

[(B) resultant psychological trauma to the child victim;

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

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

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

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

(c) PROVISION OF TECHNICAL ASSISTANCE.—[The Secretary]

(1) *IN GENERAL.*—*The Secretary shall* [(, through the Center,] provide technical assistance to *State and local public and non-profit private agencies and organizations, including disability organizations and persons who work with children with disabilities, to assist such agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the prevention, assessment identification, and treatment of child abuse and neglect.*

(2) *EVALUATION.*—*Such technical assistance may include an evaluation or identification of—*

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

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

(C) *effective programs carried out by the States under titles I and II.*

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

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

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

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

* * * * *

(e) PEER REVIEW FOR GRANTS.—

(1) ESTABLISHMENT OF PEER REVIEW PROCESS.—(A) The Secretary shall [establish a formal], *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 [and contracts] under this section and determining the relative merits of the projects for which such assistance is requested. *The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.*

(B) In establishing the process required by subparagraph (A), the Secretary shall appoint to the peer review panels only members who are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise in the application to be reviewed, and who are not individuals who are officers or employees of the [Office of Human Development] *Administration on Children and Families*. The panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but may not meet less than once a year. *The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.*

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

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

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

(C) make recommendations to the Secretary concerning whether the application for the project shall be approved. *The Secretary shall award grants under this section on the basis of competitive review.*

* * * * *

SEC. 106. GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION [OR SERVICE] PROGRAMS AND PROJECTS.

(a) GENERAL AUTHORITY.—

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

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

(A) TRAINING PROGRAMS.—The Secretary may award grants to public or private non-profit organizations under this section—

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

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

(iii) to improve the recruitment, selection, and training of volunteers serving in private and public non-profit 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

(iv) 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.

(B) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to private non-profit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a

means of strengthening families in partnership with their communities.

(C) OTHER INNOVATIVE PROGRAMS AND PROJECTS.—

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

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

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

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

(ii) KINSHIP CARE.—The Secretary may award grants to public 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 or where such relatives comply with the State child protection standards.

(iii) VISITATION CENTERS.—The Secretary may award grants to public or private nonprofit entities to assist such entities in the establishment or operation of supervised visitation centers where there is documented, highly suspected, or elevated risk of child sexual, physical, or emotional abuse where, due to domestic violence, there is an ongoing risk of harm to a parent or child.

* * * * *

(d) EVALUATION.—In making grants for demonstration projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.

SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

[(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

[(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

[(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

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

[(C) improving legal preparation and representation;

[(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

[(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

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

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

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

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

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

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

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

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

[(A) administrative procedures;

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

[(C) training procedures;

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

[(E) such related multidisciplinary programs and services,

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

[(4) provide for—

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

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

[(5) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

[(6) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

[(7) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to ensure that Federal funds made available under this Act for any fiscal year shall be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

[(8) provide for dissemination of information, including efforts to encourage more accurate reporting, to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect;

[(9) to the extent feasible, ensure that parental organizations combating child abuse and neglect receive preferential treatment; and

[(10) have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

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

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

[(C) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

[(c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall submit every four years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

[(1) INTAKE AND SCREENING.—

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

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

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

[(i) what is child abuse and neglect;

[(ii) who is obligated to report and who may choose to report; and

[(iii) how to report.

[(2) INVESTIGATION OF REPORTS.—

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

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

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

[(i) multidisciplinary investigation teams among child welfare and law enforcement agencies;

[(ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect

among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and

[(iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

[(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

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

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

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

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

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

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

[(4) GENERAL SYSTEM ENHANCEMENT.—

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

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

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

[(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

[(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

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

[(5) INNOVATIVE APPROACHES.—A description of—

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

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

[(d) WAIVERS.—

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

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

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

[(2) EXTENSION.—(A) Subject to paragraph (3) of this subsection, any State whose waiver under paragraph (1) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary makes a finding that such State is making a good faith effort to comply with the requirements under subsection (b) of this section—

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

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

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

[(3) REQUIREMENTS UNDER SUBSECTION (b)(10).—No waiver under paragraph (1) or (2) may apply to any requirement under subsection (b)(10) of this section.

[(e) REDUCTION OF FUNDS IN CASE OF FAILURE TO OBLIGATE.—If a State fails to obligate funds awarded under subsection (a) before the expiration of the 18-month period beginning on the date of such award, the next award made to such State under this section after the expiration of such period shall be reduced by an amount equal of the amount of such unobligated funds unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

[(f) RESTRICTIONS RELATING TO CHILD WELFARE SERVICES.—Programs or projects relating to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in paragraphs (1)(A), (2), (4), (5), and (10) of subsection (b).

[(g) COMPLIANCE AND EDUCATION GRANTS.—The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating—

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

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

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

[(B) the parents of such infants; and

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

[(A) existing social and health services;

[(B) financial assistance; and

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

SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) *DEVELOPMENT AND OPERATION GRANTS.*—The Secretary shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

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

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

(B) improving legal preparation and representation, including—

(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and
 (ii) provisions for the appointment of a guardian ad litem.

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

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

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

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

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

(8) developing, implementing, or operating—

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

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

(ii) the parents of such infants; and

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

(i) existing social and health services;

(ii) financial assistance; and

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

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

(b) **ELIGIBILITY REQUIREMENTS.**—In order for a State to qualify for a grant under subsection (a), such State shall provide an assurance or certification, signed by the chief executive officer of the State, that the State—

(1) has in effect and operation a State law or Statewide program relating to child abuse and neglect which ensures—

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

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

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

(D) 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;

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

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

(G) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services;

(H) 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 service agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment; and

(I) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such proceedings; and

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

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

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

(C) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the with-

holding of medically indicated treatment from disabled infants with life threatening conditions.

(c) *ADDITIONAL REQUIREMENT.*—Not later than 2 years after the date of enactment of this section, the State shall provide an assurance or certification that the State has in place provisions, procedures, and mechanisms by which individuals who disagree with an official finding of abuse or neglect can appeal such finding.

(d) *STATE PROGRAM PLAN.*—To be eligible to receive a grant under this section, a State shall submit every 5 years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. Such plan shall, to the maximum extent practicable, be coordinated with the plan of the State for child welfare services and family preservation and family support services under part B of title IV of the Social Security Act and shall contain an outline of the activities that the State intends to carry out using amounts provided under the grant to achieve the purposes of this Act, including the procedures to be used for—

- (1) receiving and assessing reports of child abuse or neglect;
- (2) investigating such reports;
- (3) protecting children by removing them from dangerous settings and ensuring their placement in a safe environment;
- (4) providing services or referral for services for families and children where the child is not in danger of harm;
- (5) providing services to individuals, families, or communities, either directly or through referral, aimed at preventing the occurrence of child abuse and neglect;
- (6) providing training to support direct line and supervisory personnel in report-taking, screening, assessment, decision-making, and referral for investigation; and
- (7) providing training for individuals mandated to report suspected cases of child abuse or neglect.

(e) *RESTRICTIONS RELATING TO CHILD WELFARE SERVICES.*—Programs or projects relating to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in paragraphs (1)(A) and (B), and (2) of subsection (b).

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

- (1) The number of children who were reported to the State during the year as abused or neglected.
- (2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—
 - (A) substantiated;
 - (B) unsubstantiated; and
 - (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 part or an equivalent State program;

(B) the number that received services during the year under the State program funded under this part or an equivalent State program; and

(C) the number that were removed from their families during the year by disposition of the case.

(4) The number of families that received preventive services from the State during the year.

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

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

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

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

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

(10) The number of child protective service workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

(g) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (f), 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.

[SEC. 108. TECHNICAL ASSISTANCE TO STATES FOR CHILD ABUSE PREVENTION AND TREATMENT PROGRAMS.

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

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

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

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

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

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

* * * * *

SEC. 113. DEFINITIONS.

For purposes of this title—

[(1) the term “board” means the Advisory Board on Child Abuse and Neglect established under section 102;

[(2) the term “Center” means the National Center on Child Abuse and Neglect established under section 101;]

[(3)] (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;

[(4) the term “child abuse and neglect” means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by a person who is responsible for the child’s welfare, under circumstances which indicate that the child’s health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary;]

(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;

[(5)] (3) the term “person who is responsible for the child’s welfare” includes—

(A) any employee of a residential facility; and

(B) any staff person providing out-of-home care;

[(6)] (4) the term “Secretary” means the Secretary of Health and Human Services;

[(7)] (5) the term “sexual abuse” includes—

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

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

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

[(9)] (7) the term “task force” means the Inter-Agency Task Force on Child Abuse and Neglect established under section 103; and

[(10)] (8) 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—

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—

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

[(2) ALLOCATIONS.—

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

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

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

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

(a) IN GENERAL.—

(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, \$100,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.

(2) DISCRETIONARY ACTIVITIES.—

(A) IN GENERAL.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 33 $\frac{1}{3}$ percent of such amounts to fund discretionary activities under this title.

(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106.

* * * * *

SEC. 115. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act shall be construed—

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

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

(b) STATE REQUIREMENT.—Notwithstanding subsection (a), a State shall, at a minimum, have in place authority under State law

to permit the child protective service 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. Case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State.

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

[SEC. 201. PURPOSES.

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

[SEC. 202. DEFINITIONS.

As used in this title—

[(1) the term “Secretary” means the Secretary of Health and Human Services; and

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

[SEC. 203. GRANTS AUTHORIZED.

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

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

[SEC. 204. STATE ELIGIBILITY.

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

[SEC. 205. LIMITATIONS.

[(a) AMOUNT OF GRANT.—

[(1) ALLOTMENT FORMULA.—

[(A) IN GENERAL.—Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that—

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

[(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 per-

cent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

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

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

[(b) APPLICATION.—

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

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

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

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

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

[(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;

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

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

[(2) APPROVAL.—The Secretary shall approve any application that meets the requirements of this subsection, and the Sec-

retary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and opportunity for a hearing with respect to the disapproval.

[SEC. 206. WITHHOLDING.]

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

[SEC. 207. AUDIT.]

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

[SEC. 208. REPORT.]

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

*TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND
SUPPORT GRANTS*

SEC. 201. PURPOSE AND AUTHORITY.

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

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

(1) developing, operating, expanding and enhancing State-wide networks of community-based, prevention-focused, family resource and support programs that—

(A) offer sustained assistance to families;

(B) provide early, comprehensive, and holistic support for all parents;

(C) promote the development of parental competencies and capacities, especially in young parents and parents with very young children;

(D) increase family stability;

- (E) improve family access to other formal and informal resources and opportunities for assistance available within communities;*
- (F) support the additional needs of families with children with disabilities; and*
- (G) decrease the risk of homelessness;*
- (2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;*
- (3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities;*
- (4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and*
- (5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.*

SEC. 202. ELIGIBILITY.

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

- (1)(A) the chief executive officer of the State has designated an entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite services integrated with the Statewide network;*
- (B) in determining which entity to designate under subparagraph (A), the chief executive officer should give priority consideration to the trust fund advisory board of the State or an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and*
- (C) such lead entity is an existing public, quasi-public, or nonprofit private entity with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of par-*

ents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

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

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

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

(3) the chief executive officer of the State provides assurances that the lead entity—

(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, holistic services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

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

SEC. 203. AMOUNT OF GRANT.

(a) RESERVATION.—The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make al-

lotments to Indian tribes and tribal organizations and migrant programs.

(b) *IN GENERAL.*—Of the amounts appropriated for a fiscal year under section 210 and remaining after the reservation under subsection (a), The Secretary shall allot to each State lead entity an amount so that—

(1) 50 percent of the total amount allotted to the State under this section is based on the number of children under 18 residing in the State as compared to the number of such children residing in all States, except that no State shall receive less than \$250,000; and

(2) each State receives, from the amounts remaining from the total amount appropriated, an amount equal to 50 percent of the amount that each such State has directed through the lead agency to the purposes identified under the authority of this title, including foundation, corporate, and other private funding, State revenues, and Federal funds.

(c) *ALLOCATION.*—Funds allotted to a State under this section shall be awarded on a formula basis for a 3-year period. Payment under such allotments shall be made by the Secretary annually on the basis described in subsection (a).

SEC. 204. EXISTING AND CONTINUATION GRANTS.

(a) *EXISTING GRANTS.*—Notwithstanding the enactment of this title, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of enactment of this title, under the Family Resource and Support Program, the Community-Based Family Resource Program, the Family Support Center Program, the Emergency Child Abuse Prevention Grant Program, or the Temporary Child Care for Children with Disabilities and Crisis Nurseries Programs shall continue to receive funds under such programs, subject to the original terms under which such funds were granted, through the end of the applicable grant cycle.

(b) *CONTINUATION GRANTS.*—The Secretary may continue grants for Family Resource and Support Program grantees, and those programs otherwise funded under this Act, on a noncompetitive basis, subject to the availability of appropriations, satisfactory performance by the grantee, and receipt of reports required under this Act, until such time as the grantee no longer meets the original purposes of this Act.

SEC. 205. APPLICATION.

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

(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by

public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

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

(4) a budget for the development, operation and expansion of the State's network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

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

(6) an assurance that the State network of community-based, prevention-focused, family resource and support programs will maintain cultural diversity, and be culturally competent and socially sensitive and responsive to the needs of families with children with disabilities;

(7) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

(8) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

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

(10) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhancement activities;

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

(12) a description of that actions that the applicant entity will take to advocate changes in State policies, practices, procedures and regulations to improve the delivery of prevention-focused, family resource and support program services to all children and families; and

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

SEC. 206. LOCAL PROGRAM REQUIREMENTS.

(a) *IN GENERAL.*—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that—

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

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

(3) provide—

(A) core family resource and support services such as—

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

(ii) early developmental screening of children;

(iii) outreach services;

(iv) community and social service referrals; and

(v) follow-up services;

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

(C) access to optional services, including—

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

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

(iii) job readiness services;

(iv) educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

(v) self-sufficiency and life management skills training;

(vi) community referral services; and

(vii) peer counseling;

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

(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

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

(b) *PRIORITY.*—In awarding local grants under this title, a lead entity shall give priority to community-based programs serving low income communities and those serving young parents or parents with young children, and to community-based family resource and support programs previously funded under the programs consolidated under the Child Abuse Prevention and Treatment Act Amendments of 1995, so long as such programs meet local program requirements.

SEC. 207. PERFORMANCE MEASURES.

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

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

(2) supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

(3) demonstrate the establishment of new respite and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 201(b)(6);

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

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

(6) demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

(7) describe the results of a peer review process conducted under the State program; and

(8) demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community-based, prevention-focused, family resource and support programs.

SEC. 208. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

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

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

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

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

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

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

SEC. 209. DEFINITIONS.

(1) *CHILDREN WITH DISABILITIES.*—The term “children with disabilities” has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

(2) *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 services, health and mental health services, employability development and job training, and other social services through help lines or other methods.

(3) *CULTURALLY COMPETENT.*—The term “culturally competent” means services, support, or other assistance that is conducted or provided in a manner that—

(A) is responsive to the beliefs, interpersonal styles, attitudes, languages, and behaviors of those individuals and families receiving services; and

(B) has the greatest likelihood of ensuring maximum participation of such individuals and families.

(4) *FAMILY RESOURCE AND SUPPORT PROGRAM.*—The term “family resource and support program” means a community-based, prevention-focused entity that—

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

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

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

(iii) early developmental screening of children to assess any needs of children, and to identify types of support that may be provided;

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

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

(vi) follow-up services;

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

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

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

- (ii) self-sufficiency and life management skills training;
- (iii) education services, such as scholastic tutoring, literacy training, and General Educational Degree services;
- (iv) job readiness skills;
- (v) child abuse and neglect prevention activities;
- (vi) services that families with children with disabilities or special needs may require;
- (vii) community and social service referral;
- (viii) peer counseling;
- (ix) referral for substance abuse counseling and treatment; and
- (x) help line services.

(5) NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.—The term “network for community-based family resource program” means the organization of State designated entities who receive grants under this title, and includes the entire membership of the Children’s Trust Fund Alliance and the National Respite Network.

(6) OUTREACH SERVICES.—The term “outreach services” means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

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

- (A) are in danger of abuse or neglect;
- (B) have experienced abuse or neglect; or
- (C) have disabilities, chronic, or terminal illnesses.

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

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, \$108,000,000 for each of the fiscal years 1996 through 2000.

* * * * *

**[TEMPORARY CHILD CARE FOR CHILDREN WITH
DISABILITIES AND CRISIS NURSERIES ACT OF 1986**

**[TITLE II—TEMPORARY CHILD CARE FOR HANDICAPPED
CHILDREN AND CRISIS NURSERIES**

[SEC. 201. SHORT TITLE.

[This title may be cited as the “Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986”.

[SEC. 202. FINDINGS.

[The Congress finds that it is necessary to establish demonstration programs of grants to the States to assist private and public

agencies and organizations provide: (A) temporary non-medical child care for children with special needs to alleviate social, emotional, and financial stress among children and families of such children, and (B) crisis nurseries for children who are abused and neglected, at risk of abuse or neglect, or who are in families receiving child protective services.

[SEC. 203. TEMPORARY CHILD CARE FOR HANDICAPPED AND CHRONICALLY ILL CHILDREN.

[The Secretary of Health and Human Services shall establish a demonstration program of grants to States to assist private and public agencies and organizations to provide in-home or out-of-home temporary non-medical child care for children with disabilities, and children with chronic or terminal illnesses. Such care shall be provided on a sliding fee scale with hourly and daily rates.

[SEC. 204. CRISIS NURSERIES.

[The Secretary of Health and Human Services shall establish a demonstration program of grants to States to assist private and public agencies and organizations to provide crisis nurseries for children who are abused and neglected, are at high risk of abuse and neglect, or who are in families receiving child protective services. Such service shall be provided without fee for a maximum of 30 days in any year. Crisis nurseries shall also provide referral to support services.

[SEC. 205. ADMINISTRATIVE PROVISIONS.

[(a) APPLICATIONS.—

[(1)(A) Any State which desires to receive a grant under section 203 or 204 shall submit an application to the Secretary in such form and at such times as the Secretary may require. Such application shall—

[(i) describe the proposed State program, including the services to be provided, the agencies and organizations that will provide the services, and the criteria for selection of children and families for participation in projects under the program;

[(ii) contain an estimate of the cost of developing, implementing, and evaluating the State program;

[(iii) set forth the plan for dissemination of the results of the projects;

[(iv) specify the State agency designated to administer programs and activities assisted under this title and the plans for coordinating interagency support of the program; and

[(v) with respect to State agencies described in subparagraph (B), provide documentation of a commitment by all such agencies to develop a State plan for coordination among the agencies in carrying out programs and activities provided by the State pursuant to a grant under section 203.

[(B) State agencies referred to in subparagraph (A)(v) are State agencies responsible for providing services to children with disabilities or with chronic or terminal illnesses, or responsible for financing services for such children, or both, in-

cluding State agencies responsible for carrying out State programs that—

[(i) receive Federal financial assistance; and

[(ii) relate to social services, maternal and child health, comprehensive health and mental health, medical assistance and infants, or toddlers and families.

[(2) Such application shall contain assurance that—

[(A) not more than 5 percent of funds made available under this title will be used for State administrative costs;

[(B) projects will be of sufficient size, scope, and quality to achieve the objectives of the program;

[(C) in the distribution of funds made available under section 203, a State will give priority consideration to agencies and organizations with experience in working with children with disabilities, with chronically ill children, and with the families of such children, and which serve communities with the greatest need for such services;

[(D) in the distribution of funds made available under section 204, the State will give priority consideration to agencies and organizations with experience in working with abused or neglected children and their families, and with children at high risk of abuse and neglect and their families, and which serve communities which demonstrate the greatest need for such services; and

[(E) Federal funds made available under this title will be so used as to supplement and, to the extent practicable, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in this title, and in no case supplant such State or local funds.

[(b) AWARD OF GRANTS.—

[(1) In reviewing applications for grants under this title, the Secretary shall consider, among other factors, the equitable geographical distribution of grants.

[(2) In the award of temporary non-medical child care demonstration grants under section 203, the Secretary shall give a preference to States in which such care is unavailable.

[(3) Of the funds appropriated under section 206, one-half shall be available for grants under section 203 and one-half shall be available for grants under section 204.

[(c) EVALUATIONS.—States receiving grants under this title, shall annually submit a report to the Secretary evaluating funded programs. Such report shall include—

[(1)(A) information concerning costs, the number of participants, impact on family stability, the incidence of abuse and neglect, the types, amounts, and costs of various services provided, demographic data on recipients of services, and such other information as the Secretary may require; and

[(B) with respect to services provided by the States pursuant to section 203, information concerning the number of families receiving services and documentation of parental satisfaction with the services provided;

[(2) a specification of the amount and source of public funds, and of private funds, expended in the State for temporary child care for children with disabilities or with chronic or terminal illnesses; and

[(3) a State strategy for expanding the availability in the State of temporary child care, and other family support, for families of children with disabilities or with chronic or terminal illnesses, which strategy specifies the manner in which the State intends to expend any Federal financial assistance available to the State for such purpose, including any such assistance provided to the State for programs described in section 205(a)(1)(B).

[(d) DEFINITIONS.—For the purposes of this title—

[(1) the term “Secretary” means the Secretary of Health and Human Services;

[(2) the term “children with disabilities” has the meaning given such term in section 602(a)(1) of the Individuals with Disabilities Education Act;

[(3) the term “crisis nursery” means a center providing temporary emergency services and care for children;

[(4) the term “non-medical child care” means the provision of care to provide temporary relief for the primary caregiver; and

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

[SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated for the purposes of this title such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989, \$20,000,000 for each of the fiscal years 1990 and 1991, and \$20,000,000 for each of the fiscal years 1992 through 1995. Amounts appropriated under the preceding sentence shall remain available until expended.

[SEC. 207. EFFECTIVE DATE.

[This title shall take effect October 1, 1986.]

* * * * *

TITLE 42, UNITED STATES CODE

STEWART B. McKINNEY HOMELESS ASSISTANCE ACT

* * * * *

[§ 11481. Definitions

[As used in this subtitle:

[(1) ADVISORY COUNCIL.—The term “advisory council” means the advisory council established under section 772(e)(2)(K).

[(2) ELIGIBLE ENTITY.—The term “eligible entity” means State or local agencies, a Head Start agency, any community-based organization of demonstrated effectiveness as a community action agency under section 210 of the Economic Oppor-

tunity Act of 1984 (42 U.S.C. 2790), public housing agencies as defined in section 3(b)(6) of the United States Housing Act of 1937, State Housing Finance Agencies, local education agencies, an institution of higher education, a public hospital, a community development corporation, a private industry council as defined under section 102(a) of the Job Training Partnership Act, a community health center, and any other public or private nonprofit agency or organization specializing in delivering social services.

[(3) FAMILY CASE MANAGERS.—The term “family case managers” means advisers operating under the provisions of section 774.

[(4) GOVERNMENTALLY SUBSIDIZED HOUSING.—The term “governmentally subsidized housing” means any rental housing that is assisted under any Federal, State or local program (including a tax credit or tax exempt financing program) and that serves a population that predominately consists of very low income families or individuals.

[(5) HOMELESS.—The term “homeless” has the same meaning given such term in the subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302 (a) and (c)).

[(6) INTENSIVE AND COMPREHENSIVE SUPPORTIVE SERVICES.—The term “intensive and comprehensive supportive services” means—

[(A) in the case of services provided to infants, children and youth, such services that shall be designed to enhance the physical, social, and educational development of such infants and children and that shall include, where appropriate nutritional services, screening and referral services, child care services, early childhood development programs, early intervention services for children with, or at-risk of developmental delays, drop-out prevention services, after-school activities, job readiness and job training services, education (including basic skills and literacy services), emergency services including special outreach services targeted to homeless and runaway youth, crisis intervention and counseling services, and such other services that the Secretary may deem necessary and appropriate;

[(B) in the case of services provided to parents and other family members, services designed to better unable parents and other family members to contribute to their child’s healthy development and that shall include, where appropriate, substance abuse education, counseling, referral for treatment, crisis intervention, employment counseling and training as appropriate, life-skills training including personal financial counseling, education including basic skills and literacy services, parenting classes, training in consumer homemaking, and such other services as the Secretary shall deem necessary and appropriate;

[(C) in the case of services provided by family case managers, needs assessment and support in accessing and maintaining public assistance and services, referral for substance abuse counseling and treatment, counseling and

crisis intervention, family advocacy services, and housing assistance activities, housing counseling and eviction or foreclosure prevention assistance and referral to sources of emergency rental or mortgage assistance payments and home energy assistance, and other services as appropriate.

[(7) LOW INCOME.—The term “low income” when applied to families or individuals means a family or individual income that does not exceed 80 percent of the median income for an individual or family in the area, as determined by the Secretary of Housing and Urban Development, except that such Secretary may establish income ceilings that are higher or lower than 80 percent of the median for the area on the basis of a finding by such Secretary that such variations are necessary because of prevailing levels of construction costs or unusually high or low individual or family incomes.]

[(8) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.]

[(9) VERY LOW INCOME.—The term “very low income” when applied to families or individuals means a family or individual income that does not exceed 50 percent of the median income for an individual or family in the area, as determined by the Secretary, except that the Secretary may establish income ceilings that are higher or lower than 50 percent of the median for the area on the basis of a finding by the Secretary that such variations are necessary because of unusually high or low individual or family incomes.]

* * * * *

FAMILY VIOLENCE PREVENTION AND SERVICES ACT

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

SHORT TITLE

SEC. 301. * * *

* * * * *

STATE DEMONSTRATION GRANTS AUTHORIZED

SEC. 303. (a)(1) * * *

* * * * *

(e) No grant may be made under this section to any entity other than a State or an Indian Tribe unless the entity provides for the [following local share] *following non-Federal matching local share* as a proportion of the total amount of funds provided under this title to the project involved: [20 percent in the first year such project receives a grant under this title, 35 percent in the second such year, and 50 percent in the third such year and in any such year thereafter. Except in the case of a public entity, not less than 25 percent of the local share of such agency or organization shall be raised from private sources.] *with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under*

this title, not less than 35 percent. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this title.

* * * * *

ALLOTMENT OF FUNDS

SEC. 304. (a) * * *

* * * * *

(1) each State shall be allotted not less than 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made, or **[\$200,000]** *\$400,000*, whichever is the lessor amount; and

* * * * *

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.— * * *

* * * * *

(b) SECTION 303 (a) AND (b).—Of the amounts appropriated under subsection (a) for each fiscal year, not less than **[80]** *70* percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

* * * * *

(d) *GRANTS FOR STATE COALITIONS.*—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

(e) *NON-SUPPLANTING REQUIREMENT.*—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title.

* * * * *

CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

* * * * *

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of children in substitute care increased by nearly **[50 percent between 1985 and 1990]** *61 percent between 1986 and 1994*, as our Nation's foster care population included more than **[400,000 children at the end of June, 1990]** *452,000 as of June, 1994*;

* * * * *

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

* * * * *

[(7) currently one-half of children free for adoption and awaiting placement are minorities;]

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

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

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

* * * * *

(b) PURPOSE.—It is the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening **[[conditions, by—**

(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 **]] conditions, by providing a mechanism** for the Department of Health and Human Services to—

[(A)] (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;

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

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

* * * * *

INFORMATION AND SERVICES

SEC. 203. (a) 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 title. The Secretary shall make available such consultant services, on-site technical assistance and personnel, together with appropriate administrative expenses, including salaries and travel costs, as are necessary for carrying out such purposes, including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples con-

sidering adoption of children with special needs. [The Secretary shall, not later than 12 months after the date of enactment of this sentence, 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 title, and such reports shall be made available to the public.]

(b) In connection with carrying out the provisions of this title, the Secretary shall—

(1) * * *

* * * * *
[(6) 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;]

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

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

[(7)] (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 with the Department of Health and Human Services relating to adoption;

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

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

* * * * *
(d)(1) * * *

* * * * *
(2) [Each] (A) Each State entering into an agreement under this subsection shall submit an application to the Secretary [for each fiscal year] that describes the manner in which the State will use funds during the 3-fiscal years subsequent to the date of the appli-

ation to accomplish the purposes of this section. Such application shall be in a form and manner determined to be appropriate by the Secretary. Each application shall include verification of the placements described in paragraph (1).

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

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

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

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) There are authorized to be appropriated, **[\$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(9) and 203(c)(1)]** *\$20,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000 to carry out programs and activities authorized.*

[(b) For any fiscal year in which appropriations under subsection (a) exceeds \$5,000,000, there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(b)(9), and there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(c)(1).]

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

* * * * *

ABANDONED INFANTS ASSISTANCE ACT OF 1988

* * * * *

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) For the purpose of carrying out this title (other than section 102(b)), there are authorized to be appropriated **[\$20,000,000 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]** *\$35,000,000 for each of the fiscal years 1995 and 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.*

* * * * *

TITLE 42, UNITED STATES CODE

MISSING CHILDREN'S ASSISTANCE ACT

§ 5777. Authorization of appropriations

[To] (a) *IN GENERAL.*—Carry out the provisions of this subchapter, there are authorized to be appropriated such sums as may be necessary for fiscal years 1993, 1994, 1995, **[and 1996]** 1996, and 1997.

(b) *EVALUATION.*—The Administrator shall use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title.

* * * * *

TITLE 42, UNITED STATES CODE

VICTIMS OF CHILD ABUSE ACT OF 1990

* * * * *

§ 13004. Authorization of appropriations

(a) Sections 13001b and 13002 of this title

* * * * *

(2) such sums as are necessary for fiscal years 1994, 1995, **[and 1996]** 1996, and 1997.

(b) Section 13003 of this title

* * * * *

(2) such sums as are necessary for fiscal years 1994, 1995, **[and 1996]** 1996, and 2000.

* * * * *

