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### KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002

SEPTEMBER 30, 2002.—Ordered to be printed

Mr. KENNEDY, from the Committee on Health, Education, Labor,  
and Pensions, submitted the following

### R E P O R T

[To accompany S. 2998]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 2998) to reauthorize the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

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#### I. PURPOSE AND NEED FOR THE LEGISLATION

It is the purpose of the Keeping Children and Families Safe Act to renew, improve, and strengthen the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Adoption Opportunities Act, and the Abandoned Infants Assistance Act for the next five years. The Act is intended to strengthen and support families with children and to protect children from abuse and neglect, improve services for children exposed to domes-

tic violence, improve adoption assistance, and strengthen assistance for abandoned infants.

*Background and need for legislation*

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

The National Child Abuse and Neglect Data System (NCANDS), developed by the Children's Bureau of the U.S. Department of Health and Human Services (HHS), maintains annual statistics from the states on child maltreatment. While the full 2000 Maltreatment Report is not yet available to the public, in April of 2002, HHS released a summary of key findings highlighting state data submissions for the year 2000.

Approximately 3 million referrals concerning the welfare of about 5 million children were made to Child Protection Services (CPS) agencies throughout the nation in 2000. Of these referrals, about two-thirds (62 percent) were screened-in for further assessment and investigation. Professionals, including teachers, law enforcement officers, social service workers, and physicians made more than half (56 percent) of the screened-in reports. Of this amount, close to 879,000 children were found to be victims of child maltreatment. About two-thirds (63 percent) suffered neglect (including medical neglect); 19 percent were physically abused; 10 percent were sexually abused; and 8 percent were emotionally maltreated.

The rate of child victims per 1,000 children in the population had been decreasing steadily from 15.3 victims per 1,000 children in the population in 1993 to 11.8 victims per 1,000 children in the population in 1999. The victimization rate increased slightly to 12.2 per 1,000 children in the year 2000. According to HHS, whether or not this is a trend cannot be determined until additional data are collected. Victimization rates were similar for male and female victims (11.2 and 12.8 per 1,000 children respectively) except for victims of sexual abuse. The rate for sexual abuse was 1.7 victims per 1,000 female children compared to 0.4 victims per 1,000 male children. More than half of all victims were White (51 percent); one-quarter (25 percent) were African American; 15 percent were Hispanic, 2 percent were American Indian/Alaska Natives, and 1 percent were Asian/Pacific Islanders.

Sixty percent of perpetrators were female and 40 percent were male. The median age of female perpetrators was 31 years and the median age of male perpetrators was 34 years. About 84 percent of victims were abused by a parent or parents. Mothers acting alone were responsible for 47 percent of neglect victims and 32 percent of physical abuse victims. About 55 percent of children found to be abused and neglected received needed services.

The most tragic consequence of child maltreatment is death. The HHS summary data shows about 1,200 children died of abuse and neglect in 2000. Children younger than six years of age accounted for 85 percent of child fatalities and children younger than one year of age accounted for 44 percent of child fatalities.

Child abuse is not a new phenomenon. Throughout the last decade, numerous reports have called attention to the tragic abuse

and neglect of children and the inadequacy of our Child Protection Services (CPS) systems to protect our children.

In 1990, the U.S. Advisory Board on Child Abuse and Neglect concluded that “child abuse and neglect was a national emergency”. In 1995, the U.S. Advisory Board on Child Abuse and Neglect reported that “state and local CPS caseworkers are often overextended and cannot adequately function under their current caseloads.” The report also stated that, “in many jurisdictions, caseloads are so high that CPS response is limited to taking the complaint call, making a single visit to the home, and deciding whether or not the complaint is valid, often without any subsequent monitoring of the family.”

A 1997 General Accounting Office (GAO) report found, “the CPS system is in crisis, plagued by difficult problems, such as growing caseloads, increasingly complex social problems and underlying child maltreatment, and ongoing systemic weaknesses in day-to-day operations.” According to GAO, CPS weaknesses include “difficulty in maintaining a skilled workforce; the inability to consistently follow key policies and procedures designed to protect children; developing useful case data and record-keeping systems, such as automated case management; and establishing good working relationships with the courts.”

According to the May 2001 “Report from the Child Welfare Workforce Survey: State and County Data and Findings” conducted by the American Public Human Services Association (APHSA), the Child Welfare League of America (CWLA), and the Alliance for Children and Families, annual staff turnover is high and morale among CPS workers is low. The report found that CPS workers had an annual turnover rate of 22 percent, 76 percent higher than the turnover rate for total agency staff. The “preventable” turnover rate was 67 percent, or two-thirds higher than the rate for all other direct service workers and total agency staff. In some states, 75 percent or more of staff turnovers were preventable.

States rated a number of retention issues as highly problematic. In descending order they were:

- Workloads that are too high and/or demanding;
- Caseloads that are too high;
- Too much worker time is spent on travel, paperwork, courts, and meetings;
- Workers not feeling valued by the agency;
- Low salaries;
- Supervision problems; and
- Insufficient resources for families and children.

To prevent turnover and retain quality CPS staff, some states have begun to increase in-service training, increase education opportunities, increase supervisory training, increase or improve orientation, increase worker safety, and offer flex-time or changes in office hours. Most states, however, continue to grapple with staff turnover and training issues.

Since 1974 when the Child Abuse Prevention and Treatment Act (CAPTA) was first enacted, the federal government and the states have struggled with how best to protect children from abuse and neglect. The problems with the system are numerous, complicated, and without a panacea. The statement contained in the 1991 report of the National Commission on Children still holds true, “If the na-

tion had deliberately designed a system that would frustrate the professionals who staff it, anger the public who finance it, and abandon the children who depend on it, it could not have done a better job than the present child welfare system.”

As said best in “The Battered Child” (5th ed. M.E. Helfer, R.S. Kempe, and R.D. Krugman, eds. University of Chicago Press, 1997), “CPS is accused of both unwarranted interference in private life and irresponsible inaction when children are truly threatened.”

Continued public criticism of CPS efforts, continued frustration by CPS staff and child welfare workers, and continued abuse and neglect (and death) of our nation’s children, set the context for reauthorization of CAPTA this year.

It is clear that many more allegations of abuse and neglect have been made during the last several years compared to decades earlier. At the same time, there is also widespread understanding that not all children who are victims of abuse and neglect are reported to CPS.

The volume of reports has so overwhelmed the CPS system that state surveys of State administrators indicate that child protection systems are unable to investigate reports within 24 or 48 hours, as required by many state laws.

Child maltreatment occurs in all socioeconomic and cultural groups, however, poverty makes child maltreatment much more likely to be reported. 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.

Complicating matters, substance abuse is increasingly a problem among families reported to CPS. According to GAO, “states report that families are entering the system with multiple problems, among the most common of which is an increase in substance abuse.” The Child Welfare League reports that substance abuse is involved in at least half of all child maltreatment cases.

While many complex problems plague the child welfare system and the children and families it serves, the charge for CPS is to respond to reports of child abuse or neglect; assess the risk to the child; investigate where appropriate, and where appropriate, to develop a case plan to protect the child and strengthen the family.

To ensure that the system works as intended, CPS needs to be appropriately staffed. The staff needs to receive appropriate training and cross-training in identifying substance abuse and domestic violence to better respond to these complex problems. Triage can help communities better respond to the needs of children and families by targeting more intensive services to children at greatest risk of harm and referring children and families not in imminent risk of harm to alternative, community-based programs and services. Greater collaboration between CPS, health agencies (including mental health agencies), schools, and community-based groups has been shown to strengthen families. Prevention programs and activities to prevent child abuse and neglect for families at-risk can increase the likelihood that a child will grow up in a home without violence, abuse, or, neglect.

#### *Legislative history and committee action on child abuse and neglect*

The first Federal programs specifically designed to address concerns regarding child abuse and neglect in this country were au-

thorized 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 2001 and has been amended to expand the scope of activities. It also authorizes the Family Violence Prevention and Services Act, the Adoption Opportunities Act, and the Abandoned Infants Assistance Act.

The original Child Abuse Prevention and Treatment 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 related 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 investigating 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 independent 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 by 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 Child Abuse Act also created the independent Family Violence Prevention and Services Act.

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 abuse 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 Prevention and Treatment 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 1988, the Child Abuse Prevention and Treatment Act was reauthorized (Public Law 100-294), extending its programs through fiscal year 1991. The 1988 amendments also established a new interagency task force and a newly constituted Advisory Board on Child Abuse and Neglect. The 1992 Child Abuse, Domestic Violence, Adoption and Family Services Act (Public Law 102-295) amended CAPTA and extended it through fiscal year 1995.

In 1996, the Child Abuse Prevention and Treatment Act was reauthorized (Public Law 104-235), extending its authorization through fiscal year 2001. The Act made significant changes to better target abuse and neglect prevention resources; enhance the ability of states to respond to actual cases of abuse and neglect; and to consolidate and coordinate federal data collection efforts in order to gain a better perspective on the trends of child abuse and neglect and find effective methods of prevention and treatment.

#### *History of Community-Based Family Resource and Support Grants*

The Community-Based Family Resource and Support Grants (Title II of CAPTA) represent a consolidation and revamping of a number of programs Congress authorized over the past two decades. These include the Child Abuse Prevention Challenge Grants, the Emergency Child Abuse Prevention Services Grants, the Family Resource and Support Programs, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Grants, and the Family Support Program of the McKinney Homeless Act.

#### *Community-Based Child Abuse and Neglect Prevention Grants*

The Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (Public Law 101-126) reauthorized the Challenge Grants 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 (Public Law 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 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*

In 1990, the Family Resource and Support Centers Program was established (by Public Law 101-501) 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 (Public Law 103–352). 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 (Section 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 part of the Claude Pepper Young Americans Act of 1990 (enacted as Title IX of the Augustus F. Hawkins Human Services Reauthorization Act of 1990).

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 it on the same reauthorization cycle as the rest of CAPTA.

The 1996 amendments to CAPTA rewrote Title II of the Act and renamed it the Community-Based Family Resource and Support Grants (Public Law 104–235). The Act further consolidated a number of small programs into the new program. The following programs were repealed as part of the consolidation: Community-Based Family Resource Programs, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Grants, and the Family Support Program (under the McKinney Homeless Assistance Act).



## FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Between 1 and 4 million women experience serious assault by an intimate partner each year (US Department of Justice, 1998). The effects of that violence are felt on every level of society. Some 56 percent of cities surveyed by the U.S. Conference of Mayors in 2000 identified domestic violence as a primary cause of homelessness. Homicide is the leading cause of death for women in the workplace (Bureau of Labor Statistics, 1996). Domestic Violence costs our health care system between \$5 and \$10 billion (Texas Council on Family Violence, 2002) and our employers between \$3 to \$5 billion in lost productivity each year (Bureau of National Affairs, 1994). The American Psychological Association has found that exposure to domestic violence is the single strongest risk factor for transmitting violence from one generation to the next (1996).

Victims of family violence need several sources of support to re-establish safety for themselves and their children. Shelter is critical. Shelters for abused women were first established in 1975. While the number of shelters and services for domestic violence victims in the United States has increased significantly, it has been estimated that three out of four women who seek the safety of a family violence shelter are denied access due to insufficient space. Shelters and transitional housing also play a crucial role in linking victims to appropriate services such as transportation, counseling, advocacy and other casework assistance. Without access to such supports, women continue to face the dilemma of living amidst violence or forgoing their economic livelihood.

One of the most significant negative impacts of domestic violence is its impact on children. Studies have shown that child abuse occurs in 30–60 percent of domestic violence cases in families where there are children (Edleson, 1999). Too often service providers who encounter children in domestic violence situations are unable to provide appropriate services to those children. The need for positive intervention to help children is clear.

Research shows not only that children may also be abused by the abusive spouse, but that children who are exposed to domestic violence suffer emotional problems including post-traumatic stress disorder, alcohol and substance abuse and suicidality. Research has also clearly concluded that children from violent homes struggle more in school. They have higher incidences of impaired concentration, poor school attendance, being labeled an underachiever, and difficulties in cognitive and academic functioning. And, according to the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, as many as 40 percent of violent juvenile offenders come from homes where there is domestic violence. Witnessing domestic violence has also been found to be the best predictor for becoming a perpetrator of domestic violence as an adult. (Osofsky and Fenichel, 2000).

In 1984, The Family Violence Prevention and Services Act (Public Law 98–457) was enacted 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 related to family violence programs. The programs under the act are administered by the Administration for Children, Youth, and Families within HHS. 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 Prevention and Services Act was reauthorized along with CAPTA in 1988, 1992, and 1996 (Public Laws 100–294, 102–295, and 104–235). The 1996 revisions prohibited grants to entities other than a State or Indian tribe without a match and required not less than 70 percent be used for grants to states.

#### ADOPTION OPPORTUNITIES ACT

The Adoption Opportunities Act was originally enacted in fiscal year 1978 as Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act (Public Law 95–266). While it remains independent, the Adoption Opportunities program has consistently been reauthorized in legislation that separately extended and amended CAPTA (Public Laws 97–35, 98–457, 100–294, 102–295, and 104–235). 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.

In 1996, the Adoption Opportunities Act was reauthorized along side of CAPTA by (Public Law 104–235). The Act required each state to improve state efforts to increase the placement of foster children legally free for adoption among other more minor modifications.

#### ABANDONED INFANTS ASSISTANCE ACT

The Abandoned Infants Assistance Act was enacted in fiscal year 1988 (Public Law 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 related 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, at the time the law was enacted there was widespread consensus among experts in the field that crack cocaine was the driving force behind an increasing number 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 Prevention and Treatment Act, the Promoting Safe and Stable Families Program, 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 (Public Law 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.

In 1996, the Abandoned Infants Assistance Act was reauthorized along side of CAPTA by (Public Law 104-235). The Act directed the Secretary to give priority in making grants to applicants in states that have developed and implemented proceedings for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under state law.

## II. CURRENT COMMITTEE ACTION

The Committee met in Executive Session on September 25, 2002 to consider S. 2998, the Keeping Children and Families Safe Act. The Committee adopted the bill without amendment.

## III. EXPLANATION OF LEGISLATION AND COMMITTEE VIEWS

### *General goals*

The Committee has three general goals for CAPTA reauthorization: (1) to encourage new training and better qualifications for CPS workers; (2) to encourage links between agencies to better improve services for children; and (3) to strengthen initiatives to prevent child abuse and neglect.

## TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

### *National Clearinghouse for information relating to child abuse*

Section 111 modifies Section 103(b) to ensure that the Clearinghouse maintains information on all effective programs, including private and community-based programs that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication. The Clearinghouse also would be required to maintain information about the best practices used for achieving improvements in child protection sys-

tems; and, provide technical assistance related to improving handling of child physical and sexual abuse cases and provide information about training resources for state and local individuals across a variety of disciplines who work, or may work with, child abuse and neglect cases.

*Best practices for referrals*

Section 103(c)(1) is amended to require HHS to collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing the physical, developmental, and mental health needs of abused and neglected children.

The Committee believes that children that come to the attention of the child welfare system may be at greater risk for health problems than other children and therefore continues to emphasize the importance of collaborative approaches, linkages and effective interagency collaboration between CPS and health care, mental health care, and other services to ensure that children receive the help that they need.

Studies have shown that many abused and neglected children show language, speech, and other developmental delays; low self-esteem; aggressive behavior; difficulty relating to peers; and, impaired capacity to trust others. A 1999 Department of Justice study reported that on average, children who have been abused or neglected commit crimes at an earlier age, commit twice as many crimes as other children, and are arrested more frequently.

*Research*

Section 112 amends Section 104(a) to include longitudinal studies as part of the interdisciplinary research HHS must conduct on child abuse and neglect and requires that HHS must primarily focus this research on certain topics, including development and identification of successful early intervention services or other services that are needed; the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protection services systems to promote effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment; an evaluation of the redundancies and gaps in services to make better use of resources; and the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services.

In addition, this Section requires the Secretary to undertake a National Incidence Study (NIS) and requires the study to include the incidence and prevalence of child maltreatment by a wide array of demographic characteristics. The Secretary is required to submit the National Incidence Study to Congress no later than 4 years after the date of enactment.

The Committee encourages the Secretary to use a wide array of demographic characteristics in conducting the new NIS. It is the Committee's intent in requesting such a wide array of characteristics to better understand the demographics of child abuse and neglect, to better target services to those who need them and to better target prevention initiatives to at-risk families.

The Committee also recommends that the Secretary carry out a program of research that is designed to provide information regarding the availability and accessibility of programs and services for the prevention, assessment, identification, investigation, and treatment of child abuse and neglect in rural areas. Research should focus on factors which may include the availability and accessibility of health care professionals trained in the identification and treatment of child abuse and neglect, court appointed special advocates, guardian ad litem, multi-disciplinary child advocacy centers and other programs and services that the Secretary deems necessary. Rural, for the purposes of this demonstration, is defined consistent with the Rural Domestic Violence Grant Program, as a state that has a population density of 52 or fewer people per square mile or a state in which the largest county has fewer than 150,000 people.

Because the Committee is concerned about abused children having access to appropriate mental health services where needed, the Committee has included a study to review the practice of voluntarily relinquishment of children simply to enable them to access mental health services. The Committee is further concerned by reports that some States are sending these children out of state to receive treatment and may be ill-equipped to monitor them to ensure that they are not subject to further abuse in residential or private care facilities. The Committee recommends that the Secretary undertake a study of this issue so that we may better understand the nature, scope and severity of the problem in order to respond to the needs of these children with mental health problems and their families.

#### *Technical assistance*

This Section also amends Section 104(b) to include private agencies and community-based organizations as organizations who should receive technical assistance in planning and carrying out programs related to preventing, identifying, and treating child maltreatment as well as for effective approaches being utilized to link child protection service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.

#### *Demonstration programs and projects*

The Committee has moved "Demonstration Programs" from section 105 of current law to Section 104 of CAPTA. The revised Section 105 allows states, public organizations, and private organizations to apply for funding specific programs to improve CPS systems and protect children.

As revised, such projects include:

- (1) Promotion of Safe, Family-Friendly Physical Environments for Visitation and Exchange;
- (2) Education Identification, Prevention, and Treatment for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools;
- (3) Risk and Safety Assessment Tools for projects that provide for the development of risk and safety assessment tools relating to child abuse and neglect;

- (4) Training for projects that involve innovative training for mandated child abuse and neglect reporters; and
- (5) Comprehensive Adolescent Victim/Victimizer Prevention Programs.

The Committee has emphasized projects that hold the promise of improving both the CPS system and the safety of children. A new demonstration project has been added to promote the development and implementation of better risk and safety assessment tools. The Committee urges the Secretary to fund time-limited demonstration programs which evaluate various approaches to risk assessment and reliable tools for CPS caseworkers to use in determining the need, if any for follow-up.

Another new demonstration project has been added to allow the Secretary to award grants to organizations that demonstrate innovation in preventing child sexual abuse through school-based programs in partnership with parents and community-based organizations to establish a network of trainers who will work with schools to implement the program. The program shall be comprehensive, meet state guidelines for health education, and should reduce child sexual abuse by focusing on prevention for both adolescent victims and victimizers.

### *Training*

The Committee is very concerned with the multitude of problems revealed in the APHSA-CWLA report about the condition of the CPS workforce. In FY2000, turnover rates among CPS and other direct service workers were high—22 percent and 18 percent respectively. As states face turnover problems, the issue of training must be addressed. The level of training varies by state and availability of funding. CPS workers face many situations that place their own safety at risk. They must be prepared to face a variety of complex situations and emotions as they confront families with allegations of abuse. In addition, professionals from many other agencies are in positions to identify potential child abuse and neglect cases, including medical personnel, teachers, and law enforcement personnel. The Committee is concerned that because of staffing shortages, training often takes a back seat, and as a result urges the Secretary to fund projects that improve the training opportunities for CPS workers as well as workers in related fields.

The Committee urges the Secretary to pay particular attention to proposals that will support the cross-training of individuals, especially in identifying substance abuse and domestic violence. Section 105(a) has been amended to provide grants for programs designed to improve training to CPS and other child and family service workers, (including supervisors). Suggested projects include training workers on how to best work with families from initial investigation through treatment; cross-training to better recognize neglect, domestic violence or substance abuse in a family; training to strengthen linkages between CPS and health agencies including physical and mental health services and to promote partnerships that offer creative approaches to meet the needs of abused children.

The Committee is also very concerned by the lack of uniform training opportunities being made available to court appointed special advocates (CASAs) and guardian ad litem and has included

provisions to ensure that they have training appropriate to the role.

Finally, the Committee calls for a GAO study on CPS training to better understand the nature and scope of CPS training challenges and requests recommendations to improve such training.

#### *Links to services*

Throughout several sections of the bill, the Committee seeks to encourage creating or improving links between child protection services and education, health, mental health, and judicial systems to ensure that children who are abused or neglected are properly identified and receive referrals to appropriate services. The bill would encourage greater collaboration between child protection services and the juvenile justice system to ensure that children who move between these two systems do so smoothly and receive appropriate services. In addition, the bill would promote partnerships between public agencies and community-based organizations to provide child abuse and neglect prevention and treatment programs and would require States, as a condition of receiving State grant money, to have policies and procedures to have triage for the referral of a child not at imminent risk of harm to a community or voluntary child maltreatment prevention service.

#### *Individual rights*

The Committee has also included a requirement for training of CPS workers on their legal responsibilities in order to protect the constitutional and statutory rights of children and families.

While the Committee is strongly committed to the main mission of the child protective services system—to ensure that child safety and the best interests of the child are protected, the Committee believes it is important for child protective services personnel to understand and respect Fourth amendment limitations on their right to enter a home when investigating an allegation without a court order.

The Committee firmly believes that individuals being investigated for alleged child maltreatment should be informed of the specific allegations made against them. S. 2998 addresses this issue by requiring states to have policies and procedures in place to require child protection workers, at the initial time of contact, to advise individuals who are subject to a child abuse and neglect investigation of the complaints or allegations made against them. However, it is not the intent of the Committee for caseworkers to relay information that may reveal the source of such allegation. The Committee recognizes that it is a basic right for all citizens to be informed of what crime they are being accused of at the time they are being asked for an interview or entry into their home.

#### *Mutual support programs*

This section continues to call for funding of mutual support programs but removes a specific example of such an organization from the federal statute. Many community-based organizations such as Parents Anonymous and Prevent Child Abuse America have historically provided many valuable mutual support services for families at the local level. The Secretary is encouraged to consider such organizations and others that operate programs that incorporate

quality standards and demonstrate effectiveness in their efforts to prevent child abuse and neglect.

#### *Citizen Review Panels*

The Committee has modified the section on Citizen Review Panels to provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to assess whether state and local CPS agencies are effectively accomplishing their duties.

In order to be more efficient, States could form a smaller group to review statewide CPS operations. In this way, in states with three Citizen Review Panels, three panels will not be reviewing state CPS operations, but instead could focus their efforts on local CPS operations.

#### *Protecting infants prenatally exposed to drugs*

S. 2998 includes a requirement for States to have in place policies and procedures (including appropriate referrals to CPS systems and for other appropriate services) to address the needs of infants born and identified with illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. Currently, 12 states and the District of Columbia have some form of specific reporting procedures for infants born addicted to drugs or alcohol. The Committee believes that any child who is experiencing symptoms or showing signs of addiction to or withdrawal from drugs should, at a minimum, receive prompt and appropriate medical care and a referral to child protective services for further investigation and intervention, where warranted. While the committee felt constrained, because of limited ability to detect and diagnose it at birth, not to include prenatal exposure to alcohol in this requirement, the Committee remains concerned about the affects of alcohol on infants and possible later diagnosis of fetal alcohol syndrom.

The Committee wants to be clear that it is not intending to preempt State law regarding what constitutes child abuse or requirements for prosecution, nor does the Committee intend to signal that States should no longer investigate cases involving prenatal exposure to alcohol.

#### *Opportunity Passports*

The Committee is concerned about youth in foster care who are aging out of the foster care system. The Committee has worked with the Senate Finance Committee (with jurisdiction over the Independent Living Program and Title IV-E of the Social Security Act regarding foster care) to promote "Opportunity Passports" and "Individual Development Accounts" to better ease the transition for those aging out of foster care, to improve medical care for those in foster care, and to provide access to school records to ensure that youth have access to vital information in a manner that promotes continuity.

The Committee has authorized a limited demonstration program to make grants to eligible partnerships of public agencies or private nonprofit organizations in not more than 10 States to assist the partnerships in developing and implementing methods of providing



long- and short-term financial security for youth in foster care and youth aging out of foster care.

A partnership that receives a grant shall use the funds made available through the grant to carry out one or more of the following activities:

(i) Opportunity Passports—Develop and provide, for youth in foster care and aging out of foster care, electronic opportunity passports, electronic cards or secure Internet databases that contain medical records, legal identification (analogous to a Social Security card or birth certificate), and school transcripts, to ensure that the youth can carry or readily access the vital information.

(ii) Individual Development Accounts—Establish and provide individual development accounts, to assist youth in foster care and aging out of foster care to obtain postsecondary education, pay for housing, pay for medical care, or operate a business. In establishing and providing such an account, the partnership shall provide a small amount of seed money and shall require the account holder to attend money management training and contribute to the account before receiving access to the account.

The Committee is very concerned that information maintained by a partnership as part of carrying out a grant remain private and confidential and shall not be disclosed without the informed consent of the individual or otherwise in accordance with applicable Federal, State, or local laws relating to medical privacy. An entity that discloses information in violation of this clause shall be subject to applicable Federal, State or local laws relating to the unlawful disclosure of confidential information.

*Community-based grants for the prevention of child abuse and neglect*

The Committee has revised the current Community-Based Family Resource and Support Grants program to ensure that grant funds are allocated to a wide array of community-based organizations for the prevention of child abuse and neglect.

Although the Committee has deleted references to “network” in many places, it is not the intent of the Committee to alter state practices of funding networks or to de-emphasize the important role that networks can play in conducting prevention programs. Although the Committee has deleted “family resource and support programs” from this Section, to replace that term with “community-based programs and activities”, the Committee does not intend to de-emphasize the role that resource and support programs play or to alter state practices in any way. It should be clear from the definition of community-based programs and activities designed to prevent child abuse and neglect, that Family Resource Centers and Family Support Centers are included under the definition of the new term as are other community-based organizations who may not have previously participated in this program.

With regard to core services to be provided, the committee retains current law. However, respite care is expensive. The Committee believes that community-based groups should continue their current leveraging efforts to seek alternative funding for respite care from other sources.

## TITLE II—AMENDMENTS TO FAMILY VIOLENCE PREVENTION AND SERVICES ACT

### *National Domestic Violence Hotline and electronic network*

As amended by Section 211, this Section establishes a highly secure electronic network to link domestic violence shelters and service providers and the National Domestic Violence Hotline on a confidential website. The website would provide a continuously updated list of shelter availability anywhere in the United States at any time and would provide comprehensive information describing the services each shelter provides such as medical, social and bilingual services. It would also provide internet access to shelters that do not have appropriate technology. The Section is authorized at \$5,000,000 in fiscal year 2003 and such sums for fiscal years 2004 through 2007.

The Committee believes it is important to establish a website that would allow National Domestic Violence Hotline operators, who have received over 700,000 calls since the Hotline's inception in 1996, shelter based advocates and relevant state and local domestic violence service providers around the country to more quickly and easily find the most appropriate shelter for families seeking safety from abuse. By establishing a highly secure and confidential web site to keep a continuously updated, nationwide list of available shelter and services for victims of domestic violence and their families, the grantee would help ensure that whenever a woman calls the Hotline or a shelter seeking help, the operator could immediately place the caller in the most appropriate shelter to meet her family's needs for safety, location, language and other services without the caller ever having to hang up the phone.

The Committee is aware of the existence of a web-link program based in the State of Minnesota. Minnesota's Day One Program has run a highly successful, confidential web site that links every shelter in the State. Day One reports that 90 percent of women and children who call are assured appropriate services and shelter in a single call. This is critical since needing to make and receive multiple followup calls to find the most appropriate shelter has been a major barrier for women trying to escape an unsafe situation. In addition, based on the Day One experience, the committee believes that the new technology will save staff time by reducing the number of calls staff has to make to find the best placement for clients.

### *Children Exposed to Domestic Violence Program*

The Committee authorizes the creation of a new program aimed at addressing the needs of Children Exposed to Domestic Violence. The Bureau of Justice Statistics reported in 2000 that of all houses where there is violence between adults, 43 percent have children younger than 12. There is overwhelming evidence that witnessing domestic violence in the home leads to significant health, emotional and educational problems for youth. In addition, there is strong evidence to show that children exposed to domestic violence are more likely to commit crimes as juveniles and as adults. Research further indicates that many women who have been abused return to abusive relationships as adults and often people who have suffered abuse end up being abusers themselves, thus perpetuating the cycle of family violence between generations.

The Committee believes that service providers need to be better able to address the unique needs of these children so as to prevent the significant problems associated with exposure to domestic violence. The Committee therefore supports funding programs for domestic violence shelters and service providers to provide counseling and other supports such as advocacy, respite care, educational and other services to address the unique needs of children. The Committee also supports training and collaboration between domestic violence experts, child welfare workers and where appropriate, courts and law enforcement, to better understand the dynamics of domestic violence, the impact of domestic violence on children and how best to support and make safe both the child and the non-abusing parent.

Finally, the Committee believes that a multi-system intervention program, where domestic violence service providers work with education, public health, mental health, Head Start and other agencies to provide mental health services and support to children who witness domestic violence and their non-abusing parents is an essential approach to addressing the enduring impacts of exposure to violence on children.

As authorized, this program will provide competitive grants for shelters and other domestic violence service providers to run programs to address the physical, emotional and logistical needs of children who enter their programs with mothers who are abused. It provides grants to local agencies for the training of child welfare, and where appropriate, court and law enforcement personnel to assist them in addressing cases where child abuse and domestic violence intersect. Finally, it provides funds to nonprofit agencies to bring various service providers together to design and implement multi-system intervention programs for children exposed to domestic violence.

### TITLE III—ADOPTION OPPORTUNITIES ACT

#### *Eliminating barriers to interjurisdictional adoptions*

The Adoption Opportunities Act is intended to eliminate barriers to adoption and to provide permanent homes for children who would benefit from adoption, particularly special needs children. The Committee has revised this section to call attention to the need to eliminate continued geographic barriers to adoption, as well as the need to improve efforts to increase the number of older children who are adopted (who are in foster care and who currently are least likely to be adopted).

S. 2998 gives the Secretary of Health and Human Services the authority to make grants: (1) to develop a uniform home study and protocol for acceptance of home studies between States and jurisdictions; (2) to develop models of financing cross-jurisdictional placements; (3) to expand the capacity of all adoption exchanges to serve increasing numbers of children; (4) to develop training materials and to train social workers on preparing and moving across state lines; and (5) to develop and support initiatives for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.

In addition, the committee requires HHS to study the nature, scope and effect of interstate placement of children in adoptive

homes by public and private agencies and how interstate placements are being financed across State lines and to, in consultation with the General Accounting Office, submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Workforce of the House of Representatives a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children no later than 1 year after the date of enactment of this Act.

#### TITLE IV—ABANDONED INFANTS ASSISTANCE ACT

Under current law, grantees must ensure priority for their services is given to abandoned infants and young children who are HIV-infected, perinatally exposed to HIV, or perinatally drug-exposed. The Committee revised the Act to maintain priority service for these children, but broaden the priority category to include abandoned infants and young children who have life-threatening illnesses or other special medical needs.

#### IV. REGULATORY IMPACT STATEMENT

##### A. REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has determined that there will be minimal increases in the regulatory burden imposed by this bill.

##### *Impact on individuals and businesses*

In general, the bill provides grants to states and public and private agencies to assist in identifying, assessing, investigating, treating, and preventing child abuse and neglect. Regulations are needed to implement these grants in specified areas but do not affect individuals or businesses, unless they choose to apply for such funds.

##### *Impact on personal privacy and paperwork*

The bill provides grants to states and public and private agencies to assist in identifying, assessing, investigating, treating, and preventing child abuse and neglect. The bill should not increase the amount of personal information and paperwork required.

##### B. UNFUNDED MANDATES STATEMENT

##### *Estimated impact on state, local, and tribal governments*

According to the Congressional Budget Office, the bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill places several new requirements and limitations on state programs as conditions of receiving assistance. For example, the bill requires states to have policies and procedures to have triage for the referral of a child not at imminent risk of harm to a community or voluntary child maltreatment prevention service; to improve the training, retention, and supervision of caseworkers; to have procedures (including appropriate referrals to CPS systems and for other appropriate services) to address the needs of infants born and identified with illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure; to require disclosures of confidential information to any Federal, State,

or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect; to require that a representative of the CPS agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant; and, to require background checks on all adults in prospective foster care households.

The Committee has determined that there may be increased demands upon states due to the new conditions for assistance under Section 106. However, the Committee believes it is appropriate to require such new conditions given the state of the nation's CPS system and its mission to protect children from abuse and neglect.

#### V. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The Committee has determined that there is no legislative impact.

#### VI. COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 25, 2002.*

Hon. EDWARD M. KENNEDY,  
*Chairman, Committee on Health Education, Labor, and Pensions,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2998, the Keeping Children and Families Safe Act of 2002.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

#### *S. 2998—Keeping Children and Families Safe Act of 2002*

Summary: S. 2998 would reauthorize certain programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988, through 2007. These programs were authorized through 2001 and were continued in 2002 by the Department of Health and Human Services Appropriations Act, 2002. It also would extend authorizations through 2007 for some programs authorized under the Family Violence Prevention and Services Act. Most programs under the act are currently authorized through 2005.

The bill would authorize total appropriations of \$350 million in 2003. CBO estimates that total authorizations under S. 2998 would amount to about \$2.2 billion over the 2003–2007 period, assuming that annual levels are adjusted to keep pace with inflation when specific annual authorizations are not provided. (Without such inflation adjustments, the authorization total would be about \$2.1 billion over the 2003–2007 period.) CBO estimates that appropria-

tions of the authorized levels would result in additional outlays of \$1.4 billion over the 2003–2007 period, if inflation adjustments are included.

Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 2998 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would authorize \$350 million in grants in 2003 (\$2.2 billion over the 2003–2007 period), and a significant portion of those funds would be available to state, local, and tribal governments. Any costs those governments incur to fulfill requirements of the grants would be considered conditions of assistance and thus voluntary.

**Estimated Cost to the Federal Government:** The estimated budgetary impact of S. 2998 is shown in Table 1. The costs of this legislation fall within budget function 500 (education, training, employment and social services).

TABLE 1. ESTIMATED BUDGETARY EFFECTS OF S. 2998, THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
With Adjustments For Inflation						
Spending under current law:						
Budget authority/authorization level <sup>1</sup> .....	254	183	183	183	0	0
Estimated Outlays .....	231	233	195	182	159	54
Proposed changes:						
Estimated authorization level .....	0	350	356	363	552	558
Estimated outlays .....	0	39	189	282	359	501
Spending under S. 2998:						
Estimated authorization level .....	254	533	539	546	552	558
Estimated outlays .....	231	272	384	464	519	555
Without Adjustments For Inflation						
Spending under current law:						
Budget authority/authorization level <sup>1</sup> .....	254	183	183	183	0	0
Estimated outlays .....	231	233	195	182	159	54
Proposed changes:						
Estimated authorization level .....	0	350	350	350	533	533
Estimated outlays .....	0	39	189	278	351	487
Spending under S. 2998:						
Estimated authorization level .....	254	533	533	533	533	533
Estimated outlays .....	231	272	384	460	511	541

<sup>1</sup> The 2002 level is the amount appropriated for that year for programs authorized under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment, and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention and Services Act. The amounts shown for 2003 through 2005 are current authorization levels for certain programs under the Family Violence Prevention and Services Act.

Note.—Components may not sum to totals because of rounding.

S. 2998 would authorize funding through 2007 for various programs created under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention and Services Act. Programs authorized under the first three acts would be reauthorized at specific levels for 2003 and for such sums as may be necessary for 2004 through 2007. Programs authorized by the Family Violence Prevention and Services Act, most of which are already authorized through 2005, would be extended at current or increased through 2007.

S. 2998 would authorize the appropriation of \$350 million in 2003. CBO estimates that this bill would authorize total funding of \$2.2 billion over 2003–2007 period assuming that “such sums” amounts provided after 2003 are adjusted for inflation. If the authorized amounts are appropriated, outlays would increase by \$39 million in the first year and by \$1.4 billion over the five-year period.

Table 2 presents CBO’s estimates with inflation adjustments for the various components of each title under S. 2998. Unless annual amounts are specified, CBO’s estimate of authorized levels is the authorized amount for 2003 with those amounts inflated in later years. The estimated outlays reflect historical rates of spending for the affected programs.

*Title I—Child Abuse Prevention and Treatment Act*

Title I of S. 2998 would reauthorize and revise programs currently authorized under the Child Abuse Prevention and Treatment Act. The bill also would create one new program. S. 2998 would authorize a total of \$210 million for 2003 for all programs under title I. CBO estimates the total funding for title I for 2003–2007 period would be about \$1.1 billion, assuming adjustments for inflation, with resulting outlays of about \$650 million over those five years.

*Opportunity Passports and Other Assistance.*—S. 2998 would create a new demonstration grant program to assist partnerships between public agencies and private nonprofit organizations develop and implement methods of providing financial security for youth in and aging out of foster care. Grant recipients could use the funds either to create electronic cards for youth that would contain vital information (opportunity passports), or to create individual development accounts for youth to help them pay for college and other expenses. The bill would authorize the appropriation of \$10 million in 2003 and such sums as may be necessary in years 2004 through 2007.

TABLE 2. DETAILED EFFECTS OF S. 2998, THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002, WITH ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority/authorization level <sup>1</sup> .....	254	183	183	183	0	0
Estimated outlays .....	231	233	195	182	159	54
PROPOSED CHANGES						
Title I—Child Abuse Prevention and Treatment Act						
Opportunity Passports and Other Assistance:						
Estimated authorization level .....	0	10	10	10	11	11
Estimated outlays .....	0	1	3	7	10	10
Child Abuse Prevention State Grants and Discretionary Activities:						
Estimated authorization level .....	0	120	122	125	127	130
Estimated outlays .....	0	6	59	97	114	121
Community-Based Resource Centers:						
Estimated authorization level .....	0	80	82	83	85	87
Estimated outlays .....	0	6	19	44	73	81
Subtotal, Title I:						
Estimated authorization level .....	0	210	214	219	223	228
Estimated outlays .....	0	12	80	148	196	212

TABLE 2. DETAILED EFFECTS OF S. 2998, THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002, WITH ADJUSTMENTS FOR INFLATION—Continued

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Title II—Amendments to Family Violence Prevention and Services Act						
Family Violence Prevention and Services/Battered Women's Shelter: <sup>2</sup>						
Authorization level .....	0	0	0	0	175	175
Estimated outlays .....	0	0	0	0	21	138
National Domestic Violence Hotline: <sup>2</sup>						
Authorization level .....	0	3	3	3	5	5
Estimated outlays .....	0	3	3	3	5	5
Demonstration Grants for Community Initiatives: <sup>2</sup>						
Authorization level .....	0	0	0	0	6	6
Estimated outlays .....	0	0	0	0	1	4
Transitional Housing Assistance:						
Authorization level .....	0	25	25	25	25	25
Estimated outlays .....	0	15	24	24	25	25
National Domestic Violence Hotline Enhancement:						
Estimated authorization level .....	0	5	5	5	5	5
Estimated outlays .....	0	1	4	5	5	5
Services for Children Exposed to Domestic Violence:						
Authorization level .....	0	20	20	20	20	20
Estimated outlays .....	0	2	16	19	20	20
Subtotal, Title II:						
Estimated authorization level .....	0	53	53	53	236	236
Estimated outlays .....	0	21	46	51	76	198
Title III—Adoption Opportunities						
Adoption Opportunities:						
Estimated authorization level .....	0	40	41	42	42	43
Estimated outlays .....	0	2	28	37	39	41
Title IV—Abandoned Infants Assistance						
Abandoned Infants Assistance:						
Estimated authorization level .....	0	45	46	47	48	49
Estimated outlays .....	0	2	33	43	46	48
Administrative Expenses for Abandoned Infants Assistance:						
Estimated authorization level .....	0	2	2	2	2	2
Estimated outlays .....	0	2	2	2	2	2
Subtotal, Title IV:						
Estimated authorization level .....	0	47	48	49	50	51
Estimated outlays .....	0	4	36	46	48	50
Total proposed changes:						
Estimated authorization level .....	0	350	356	363	552	558
Estimated outlays .....	0	39	189	282	359	501
Total spending under S.2998:						
Estimated authorization level .....	254	533	539	546	552	558
Estimated outlays .....	231	272	384	464	519	555

<sup>1</sup> The 2002 level is the amount appropriated for that year for programs authorized under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment, and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention and Services Act. The 2003–2005 amounts are current authorization levels for certain programs under the Family Violence Prevention and Services Act.

<sup>2</sup> The Family Violence Prevention and Services/Battered Women's Shelter program, National Domestic Violence Hotline, and Demonstration Grants for Community Initiatives programs are currently authorized until 2005. Table 2 shows only new authorizations. See text for a description of authorizations.

Notes.—Components may not sum to totals because of rounding.

*Child Abuse Prevention Programs.*—S. 2998 would authorize \$120 million in 2003 for the Child Abuse and Neglect State Grant program and the Child Abuse Discretionary Activities program and such sums as may be necessary in 2004 through 2007. The state grant program provides formula grants to states to improve child protection services. The discretionary activities program awards funds to other public agencies or private organizations for specific child abuse prevention projects. The two programs were funded at \$48 million in 2002.



*Community-Based Resource Centers.*—The bill also would authorize \$80 million in 2003 and such sums as may be necessary over the 2004–2007 period for grants to support community-based efforts to develop and expand initiatives aimed at the prevention of child abuse. The program is funded at \$33 million in 2002.

*Title II—Amendments to the Family Violence Prevention and Services Act*

Title II of S. 2998 would reauthorize and revise programs currently authorized under the Family Violence Prevention and Services act. This title also would create two new programs. CBO estimates that S. 2998 would authorize a total of \$53 million in 2003 and about \$630 million over the 2003–2007 period for all programs under title II. The Family Violence Prevention and Services act already authorizes most of these appropriations through 2005, and this bill would extend the authorizations through 2007.

*Family Violence Prevention and Services/Battered Women's Shelter Program.*—The bill would extend the authorization of the Family Violence Prevention and Services/Battered Women's Shelter program from 2005 through 2007. The program provides grants to states to provide shelter and assistance to victims of domestic violence. The current authorization is \$175 million annually through 2005. The program is funded at \$124 million in 2002.

*National Domestic Violence Hotline.*—S. 2998 would authorize \$5 million in each year from 2003 through 2007 for the National Domestic Violence Hotline. The hotline is a national toll-free telephone hotline that provides information and assistance to victims of domestic violence throughout the United States. The program currently is authorized at \$2 million annually through 2005 by the Family Violence Prevention and Services Act, and received an appropriation of that amount in 2002.

*Demonstration Grants for Community Initiatives.*—The bill would extend the authorization for grants for community initiatives through 2007. The program awards grants to nonprofit organizations to coordinate domestic violence intervention and prevention programs in local communities. The program is currently authorized at \$6 million annually through 2005 and is funded at \$6 million in 2002.

*Transitional Housing Assistance.*—S. 2998 would authorize \$25 million in each of the fiscal years 2003 through 2007 for housing assistance for victims of domestic violence. The program was authorized at \$25 million for 2001, but the program has never been funded.

*National Domestic Violence Hotline Enhancement.*—The bill would authorize \$5 million in 2003 and such sums as may be necessary in years 2004 through 2007 for the creation of a national website that would link domestic violence shelters, service providers and the National Domestic Violence Hotline.

*Services for Children Exposed to Domestic Violence.*—S. 2998 would authorize \$20 million in each year from 2003 through 2007 for a new competitive grant program for domestic violence shelters and other service providers to run programs to address the needs of children of abused parents.

*Title III—Adoption Opportunities*

The bill would authorize \$40 million in 2003 and such sums as may be necessary for the next four fiscal years for the Adoption Opportunities program currently authorized under the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. The Adoption Opportunities program provides funds to organizations for programs to eliminate barriers to adoption. Projects include a national adoption exchange system, legal services programs, and programs to increase the adoption rates of minority children. These activities are funded at \$27 million in 2002.

*Title IV—Abandoned Infants Assistance*

S. 2998 would authorize \$45 million in 2003 and such sums as may be necessary for the next four fiscal years for the Abandoned Infants Assistance program currently authorized under the Abandoned Infants Assistance Act of 1988. That program provides funds to public and private organizations for programs that prevent abandonment of infants with HIV/AIDS, assist abandoned infants, and recruit and train foster parents and health and social services professionals. The bill also would authorize about \$2 million in each fiscal year for administrative expenses. The program is funded at \$12 million in 2002.

Pay-as-you-go considerations: None.

Intergovernmental and private sector mandate: S. 2998 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would authorize \$350 million in grants in 2003 (\$2.2 billion over the 2003–2007 period), and a significant portion of those funds would be available to state, local, and tribal governments. Any costs those governments incur to fulfill requirements of the grants would be considered conditions of assistance and thus voluntary.

Previous estimate: On April 4, 2002, CBO transmitted a cost estimate for H.R. 3839, the Keeping Children and Families Safe Act of 2002, as ordered reported by the House Committee on Education and the Workforce on March 20, 2002. In most cases the estimate authorizations of appropriations in S. 2998 are identical to those in H.R. 3839; however, S. 2998 would create three new programs and would authorize higher appropriations for the National Domestic Violence Hotline.

Estimate prepared by: Federal costs: Donna Wong; Impact state, local, and tribal governments: Leo Lex; impact on the private sector: Kate Bloniarz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## VII. SECTION-BY-SECTION ANALYSIS

### THE KEEPING CHILDREN AND FAMILIES SAFE ACT, S. 2998

#### *Section 1. Short title*

This Act may be cited as the "Keeping Children and Families Safe Act of 2002".

*Sec. 2. Table of contents*

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

*Sec. 101. Findings*

Section 2 updates the findings under the act with the most recent data available.

Subtitle A—General Program

*Sec. 111. National Clearinghouse for information relating to child abuse*

Section 111 modifies Section 103(b) to ensure that the Clearinghouse maintains all effective programs, including private and community-based programs that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication. The Clearinghouse also would be required to maintain information about the best practices used for achieving improvements in child protective systems; and, provide technical assistance upon request that may include an evaluation or identification of: (A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases; (B) ways to mitigate psychological trauma to the child victim; and (C) effective programs carried out by the States under this Act; and provide for and disseminate information relating to various training resources available at the State and local level to: individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.

Section 103(c)(1) is amended to require HHS to collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children.

*Sec. 112. Research and assistance activities and demonstrations*

Section 112 amends Section 104(a) to include longitudinal research, as well as research on the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed. In addition, this Section requires the Secretary to undertake a National Incidence Study (NIS) and requires the study to include the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, household relationship, family structure, school enrollment and educational attainment, disability, grandparents as caregivers, labor force status, work status in the previous year, and income in the previous year; the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protection services systems to promote effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment; an

evaluation of the redundancies and gaps in services to make better use of resources; and the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services.

This Section requires the Secretary to prepare and submit the National Incidence Study to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, no later than 4 years after the date of enactment.

This Section also amends Section 104(b) to include private agencies and community-based organizations as organizations who should receive technical assistance for effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.

Section 104 is further amended by moving “Demonstrations Programs and Projects” from Section 105 to Section 104 to allow the Secretary to award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

- (1) Promotion of Safe, Family-Friendly Physical Environments for Visitation and Exchange to assist in establishing and operating safe, family-friendly physical environments for court-ordered, supervised visitation between children and abusing parents; and to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence;
- (2) Education Identification, Prevention, and Treatment for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools;
- (3) Risk and Safety Assessment Tools for projects that provide for the development of risk and safety assessment tools relating to child abuse and neglect;
- (4) Training for projects that involve innovative training for mandated child abuse and neglect reporters; and
- (5) Comprehensive Adolescent Victim/Victimizer Prevention Programs to organizations that demonstrate innovation in preventing child sexual abuse through school-based programs in partnership with parents and community-based organizations to establish a network of trainers who will work with schools to implement the program.

*Sec. 113. Grants to states and public or private agencies and organizations*

This Section amends Section 105(a) to provide grants for a variety of training programs designed to improve training to child protection services (CPS) and other child and family service workers, (including supervisors). Suggested projects include training workers on how to best work with families from initial investigation through treatment; cross-training to better recognize neglect, domestic violence or substance abuse in a family; training to strengthen linkages between CPS and health agencies including

physical and mental health services and to promote partnerships that offer creative approaches to meet the needs of abused children; as well as training for CPS workers on their legal duties. The Section also encourages attention to staff recruitment and retention issues.

In addition, this section is amended to promote better coordination between agencies to improve services to children. Specifically through improving links between child protection services and education, health, mental health, and judicial systems to ensure that children who are abused and neglected are properly identified and receive referrals to appropriate services. It further encourages greater collaboration between child protection services and the juvenile justice system to ensure that children who move between these two systems do so smoothly and receive appropriate services. In addition, it promotes partnerships between public agencies and community-based organizations to provide child abuse and neglect prevention and treatment programs.

*Sec. 114. Grants to states for child abuse and neglect prevention and treatment programs*

This Section amends Section 106(a) to promote developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange. As a condition of receiving state grant money, States would be required to have triage procedures for the referral of a child not at imminent risk of harm to a community or voluntary child maltreatment prevention service and to have procedures to improve the training, retention, and supervision of caseworkers. States would be required to have policies and procedures (including appropriate referrals to child protection services systems and for other appropriate services) to address the needs of infants born and identified with illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. States would also be required to have provisions to require disclosures of confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect.

This Section modifies the appointment of court appointed special advocates (CASAs) and guardian ad litem to ensure that they have training appropriate to the role. States would be required to have procedures to require that a representative of the child protection services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant. States are also required to perform background checks on all adults in prospective foster care households.

This Section revises the Citizen Review Panels to provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations. The appropriate State agency is to submit a written response to the State and local child protection system, within six months, that describes whether

or how the State will incorporate the recommendations of the Citizen Review Panel (where appropriate) to make measurable progress in improving the State and local child protective system.

*Sec. 115. Miscellaneous requirements relating to assistance*

This Section amends Section 108 by requiring, no later than February 1, 2003, the Comptroller General of the United States to conduct a survey of a wide range of State and local child protection service systems to evaluate and submit to Congress a report concerning the current training (including cross-training in domestic violence or substance abuse) of child protective service workers in the outcomes for children and to analyze and evaluate the effects of caseloads, compensation, and supervision on staff retention and performance; the efficiencies and effectiveness of agencies that provide cross-training with court personnel; and recommendations to strengthen child protective service effectiveness to improve outcomes for children.

This Section notes that it is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.

This Section also amends Section 105(a)(4) to allow the Secretary, in collaboration with the John H. Chafee Foster Care Independence Board (under Section 477 of the Social Security Act), to make grants to eligible partnerships of public agencies or private nonprofit organizations in not more than 10 States to assist the partnerships in developing and implementing methods of providing long- and short-term financial security for youth in foster care and youth aging out of foster care.

*Use of funds*

A partnership that receives a grant shall use the funds made available through the grant to carry out one or more of the following activities:

(i) Opportunity Passports—Develop and provide, for youth in foster care and aging out of foster care, electronic opportunity passports, electronic cards or secure Internet databases that contain medical records, legal identification (analogous to a Social Security card or birth certificate), and school transcripts, to ensure that the youth can carry or readily access the vital information.

(ii) Individual Development Accounts—Establish and provide individual development accounts, to assist youth in foster care and aging out of foster care to obtain postsecondary education, pay for housing, pay for medical care, or operate a business. In establishing and providing such an account, the partnership shall provide a small amount of seed money and shall require the account holder to attend money management training and contribute to the account before receiving access to the account.

(iii) Accounts Maintained After Adoption—Such accounts shall not be terminated as a result of the adoption of the individual.

(iv) Other Federal Assistance.—Such accounts provided to an individual may be disregarded for purposes of determining the indi-

vidual's eligibility for, or the amount of, any other Federal or Federally supported assistance, except that the total amount of assistance to an individual under this subparagraph and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in Section 472 of the Higher Education Act of 1965, and except that the partnership shall take appropriate steps to prevent duplication of benefits under this and other Federal or Federally supported programs.

This Section further identifies information concerning an individual that is obtained by a partnership in the implementation of this subparagraph shall remain private and confidential and shall not be disclosed without the informed consent of the individual or otherwise in accordance with applicable Federal, State, or local laws relating to medical privacy. An entity that discloses information in violation of this clause shall be subject to applicable Federal, State or local laws relating to the unlawful disclosure of confidential information.

#### *Funding*

This Section amends Section 112 by authorizing \$10,000,000 for such accounts in fiscal year 2003 and such sums as may be necessary for fiscal year 2004 through 2007; of the amount appropriated in each fiscal year, not less than 75 percent of such amount shall be used for Opportunity Passports.

#### *Sec. 116. Authorization of appropriations*

This Section amends Section 112(a)(1) to authorize \$120,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

#### Subtitle B—Community-Based Grants for the Prevention of Child Abuse

#### *Sec. 121. Purpose and authority*

This Section amends the Section 201(a)(1) definition of the purpose of this title to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect.

#### *Sec. 122. Eligibility*

This Section amends Section 202 to conform to community-based and prevention-focused programs and activities to prevent child abuse and neglect.

#### *Sec. 124. Existing grants*

Section 204 is repealed.

#### *Sec. 125. Application*

Section 205 conforms the definition to community-based and prevention-focused programs and activities to prevent child abuse and neglect and requires a description of the inventory of current

unmet needs and current family resource services operating in the State.

*Sec. 126. Local program requirements*

Section 126 amends Section 206(a) to include “home visiting” among other core services which must be provided or arranged for through contracts or agreements with other local agencies.

*Sec. 127. Performance measures*

Section 207 is amended to make technical and conforming changes.

*Sec. 128. National network for community-based family resource programs*

Section 208(3) is amended to make conforming changes.

*Sec. 129. Definitions.*

This Section makes the following definition revisions:

(1) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking “given such term in Section 602(a)(2)” and inserting “given the term ‘child with a disability’ in Section 602(3)”.

(2) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended by striking paragraphs (3) and (4) and inserting the following:

“(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term ‘community-based and prevention-focused programs and activities to prevent child abuse and neglect’ includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.”

*Sec. 130. Authorization of appropriations*

Section 210 authorizes \$80,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 to 2007.

TITLE II—AMENDMENTS TO FAMILY VIOLENCE  
PREVENTION AND SERVICES ACT

Subtitle A—Reauthorization of Grant Programs

*Sec. 201. State demonstration grants*

This Section amends Section 303(a)(2)(C) to reference the definition of “underserved populations” and requires State grantees to submit a report to the Secretary that contains a description of activities carried out.



*Sec. 202. Secretarial responsibilities*

The amendment of Section 305(a) will enable more than one employee to carry out the required functions of the Act.

*Sec. 203. Evaluation*

This Section amends Section 306 to indicate that the Secretary shall review, evaluate, and report to the appropriate committees of Congress every two years on the effectiveness of the programs administered, as opposed to no later than two years after funds have been obligated.

*Sec. 204. Information and technical assistance centers*

Section 308 is amended by removing the publication within 90 days requirement.

*Sec. 205. General authorization of appropriations*

The Section extends the authorization of \$175,000,000 through 2007.

*Sec. 206. Grants for State Domestic Violence Coalitions*

Section 311(g) is amended to allow not less than 10 percent of State Grants to be made available to State Domestic Violence Coalitions under this Section for a fiscal year.

Section 311 is amended by repealing subsection (h), establishing time frames for regulations.

*Sec. 207. Evaluation and monitoring*

Section 312 is amended to require the Secretary to use not more than 2 percent of the amount appropriated under Section 310(a) for each fiscal year for evaluation, monitoring, and other administrative costs under this title.

*Sec. 208. Family member abuse information and documentation project*

This Section repeals Section 313.

*Sec. 209. Model state leadership grants*

This Section repeals Section 315.

*Sec. 210. National domestic violence hotline grant*

Section 316(b) is amended to permit an extension of this grant if the Grantee submits a report evaluating the effectiveness of the program. The Section authorizes to \$5,000,000 for each of fiscal years 2003 to 2007.

*Sec. 211. Youth education and domestic violence*

Section 317 is repealed.

*Sec. 212. Demonstration grants for community initiatives*

Section 318(h) is amended to authorize \$6,000,000 for each of fiscal years 2003 to 2007.

Section 318(i) is repealed.

*Sec. 213. Transitional housing reauthorization*

Section 319(f) is amended to authorize \$25,000,000 for each of fiscal years 2003 to 2007.

*Sec. 214. Technical and conforming amendments*

This Section makes general punctuation and minor language changes.

Subtitle B—National Domestic Violence Hotline

*Sec. 221. National domestic violence hotline enhancement*

As amended by Section 211, this Section establishes a highly secure electronic network to link domestic violence shelters and service providers and the National Domestic Violence Hotline on a confidential website. The website would provide a continuously updated list of shelter availability anywhere in the United States at any time and would provide comprehensive information describing the services each shelter provides such as medical, social and bilingual services. It would also provide internet access to shelters that do not have appropriate technology. The Section is authorized at \$5,000,000 in fiscal year 2003 and such sums for fiscal years 2004 through 2007.

Subtitle C—Children Exposed to Domestic Violence Program

*Sec. 231. Purpose*

It is the purpose of this subtitle to reduce the impact of exposure to domestic violence in the lives of children and youth.

*Sec. 232. Services for children exposed to domestic violence*

This Section creates the Children Exposed to Domestic Violence Program which provides competitive grants for shelters and other domestic violence service providers to run programs to address the physical, emotional and logistical needs of children who enter their programs with mothers who are abused. It provides grants to local agencies for the training of child welfare, and where appropriate, court and law enforcement personnel to assist them in addressing cases where child abuse and domestic violence intersect. Finally, it provides funds to nonprofit agencies to bring various service providers together to design and implement multi-system intervention programs for children exposed to domestic violence.

TITLE III—ADOPTION OPPORTUNITIES ACT

*Sec. 301. Congressional findings and declaration of purpose*

This Section amends Section 201 by revising and updating the current foster care and adoption statistics and calls attention to the need to eliminate continued geographic barriers to adoption.

*Sec. 302. Information and services*

Section 203 is amended to promote the implementation of programs that are intended to increase the number of older children (who are less likely to be adopted) placed in adoptive families; services for families adopting special needs children and improving the placement rate of children in foster care.

This Section also adds the Elimination of Barriers to Adoptions Across Jurisdictional Boundaries to allow the Secretary to award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries. In addition, this Section is amended to allow services provided under these grants to supplement, not supplant, services provided using any other funds made available for the same general purposes including

- (A) Developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;
- (B) Developing models of financing cross-jurisdictional placements;
- (C) Expanding the capacity of all adoption exchanges to serve increasing numbers of children;
- (D) Developing training materials and training social workers on preparing and moving children across State lines; and
- (E) Developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.”

*Sec. 303. Study of adoption placements*

Section 204 is amended to include research on how interstate placements are being financed across State lines; recommendations on best practice models for both interstate and intrastate adoptions; and how State policies in defining special needs children differentiate or group similar categories of children.

*Sec. 304. Authorization of appropriations*

Section 205(a) is amended to authorize \$40,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

*Sec. 305. Adoption action plan*

This Section requires the Secretary of HHS in consultation with the General Accounting Office to submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Workforce of the House of Representatives a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children no later than 1 year after the date of enactment of this Act.

Congress bases this request on the following findings:

- (1) the Adoption and Safe Families Act of 1997 mandated that “the State shall not delay or deny the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child”;
- (2)(A) the policy and legal focus on expanding the pool of adoptive families for waiting children in foster care, as expressed by the Adoption and Safe Families Act of 1997, has brought attention to the need to improve interjurisdictional practice whether across State or county lines; and
- (B) case workers, agency administrators, and State policy makers in many cases have resisted the use of interjurisdic-

tional placements for children in their caseloads, citing practice, policy, legal, bureaucratic, and fiscal concerns;

(3) the National Conference of State Legislators has noted that among the many challenges ‘interstate adoptions of special needs children has been complicated by a lack of familiarity with the Interstate Compact on the Placement of Children on the part of caseworkers and judges, the absence of a standard protocol for pre-placement home studies, delays in the Interstate Compact on the Placement of Children process, and similar issues’; and in its November 1999 report to Congress, the General Accounting Office found that public child welfare agencies have done little to improve the interjurisdictional adoption process.

#### TITLE IV—ABANDONED INFANTS ASSISTANCE ACT

##### *Sec. 401. Findings*

This Section amends Section 2 by inserting “appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as ‘HIV’), those who have acquired immune deficiency syndrome (commonly known as ‘AIDS’), and those who have been exposed to dangerous drugs” as well as adding “Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.”

##### *Sec. 402. Establishment of local programs*

This Section prevents the Secretary from making a grant under this Section unless the applicant for the grant agrees to give priority to abandoned infants and young children who are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or have been perinatally exposed to a dangerous drug.

##### *Sec. 403. Evaluations, study, and reports by Secretary*

Section 102 is amended to require the Secretary to, directly or through contracts, with public and nonprofit private entities, provide for evaluations of projects carried out under Section 101 and for the dissemination of information developed as a result of such projects. This Section also requires the Secretary to conduct a study on the details of abandoned infants and young children, and evaluate and report on effective methods of intervening to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.

##### *Sec. 404. Authorization of appropriations*

Section 104 authorizes \$45,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007. Not more than 5 percent of these amounts for any fiscal year may be obligated for carrying out the evaluation of local programs.

*Sec. 405. Definitions*

Section 103 is amended to include the following definitions for this subtitle:

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

(2) The term ‘acquired immune deficiency syndrome’ includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

(3) The term ‘dangerous drug’ means a controlled substance, as defined in Section 102 of the Controlled Substances Act.

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

(5) The term ‘Secretary’ means the Secretary of Health and Human Services.

VIII. 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 in shown in roman):

\* \* \* \* \*

**CHILD ABUSE PREVENTION AND TREATMENT ACT**

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—\* \* \*

\* \* \* \* \*

**SEC. 2. FINDINGS.**

Congress finds that—

(1) each year, **[close to 1,000,000]** *approximately 900,000* American children are victims of abuse and neglect;

(2)(A) *more children suffer neglect than any other form of maltreatment; and*

(B) *investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;*

(3)(A) *child abuse can result in the death of a child;*

(B) *in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and*

*(C) children younger than 1 year old comprised 44 percent of child fatalities and 85 percent of child fatalities were younger than 6 years of age;*

**[(2)]** many of these children and their families fail to receive adequate protection or treatment;

*(4)(A) many of these children and their families fail to receive adequate protection and treatment;*

*(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and*

*(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;*

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

(A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and **[organizations]** *community-based organizations*;

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

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

(D) **[ensures properly trained and support staff with specialized knowledge,]** *recognizes the need for properly trained staff with the qualifications needed to carry out their child protection duties; and*

(E) is sensitive to ethnic and cultural diversity, *which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse;*

**[(4)]** (6) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of thousands of children and results in a cost to the Nation of billions of dollars in tangible expenditures, as well as significant intangible costs;

**[(5)]** (7) all elements of American society have a shared responsibility in responding to **[this national child and family emergency]** *child abuse and neglect*;

**[(6)]** (8) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

**[(7)]** (9) national policy should strengthen families to prevent child abuse and neglect, provide support for **[intensive]** *needed services* to prevent the unnecessary removal of children from families, and promote the reunification of families **[if removal has taken place]** *where appropriate*;

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

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

[(10)] (12) the Federal government should assist States and communities with the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child and family protection strategy;

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

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

(B) \* \* \*

\* \* \* \* \*

#### SEC. 103. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

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

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

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

(2) *maintain information about the best practices used for achieving improvements in child protective systems;*

[2] (3) maintain and disseminate information relating to—

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

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

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

(4) provide technical assistance upon request that may include an evaluation or identification of—

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

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

(C) effective programs carried out by the States under this Act; and

(5) 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.

\* \* \* \* \*

(c) COORDINATION WITH AVAILABLE RESOURCES.—

(1) IN GENERAL.—In establishing a national clearinghouse as required by subsection (a), the Secretary shall—

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

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

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

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

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

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

(E) compile, analyze, and publish a summary of the research conducted under section ~~105(a)~~ 104(a); and

*(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and*

~~[(F)]~~ (G) solicit public comment on the components of such clearinghouse.

\* \* \* \* \*

**SEC. 104. RESEARCH AND ASSISTANCE ACTIVITIES.**

(a) RESEARCH.—

(1) TOPICS.—The Secretary shall, in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research, *including longitudinal research*, that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at



least a portion of such research being field initiated. Such research program **[may]** *shall primarily* focus on—

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

(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect**;**, *including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed*

(C) appropriate, effective and culturally sensitive investigative, administrative, and **[judicial procedures]** *judicial systems, including multidisciplinary, coordinated decision-making procedures* with respect to cases of child abuse; **[and]**

(D) *the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);*

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

(F) *an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;*

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

(H) *the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of subparagraph (H); and*

**[(D)](I)** the National incidence of child abuse and neglect including—

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

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

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

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

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

(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being

placed in substitute care, and the duration of such placement;

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

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

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

**[(ix)](x)** 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) *RESEARCH.*—*The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in subparagraphs (i) through (ix) of paragraph (1)(I).*

(3) *REPORT.*—*Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).*

**[(2)](4) PRIORITIES.**—(A) The secretary shall establish research priorities for making grants or contracts for purposes of carrying out paragraph (1).

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

(i) publish proposed priorities in the FEDERAL REGISTER for public comment; and

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

\* \* \* \* \*

(b) **PROVISION OF TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary shall provide technical assistance to State and local public and **[nonprofit private agencies and]** *private agencies and community-based* 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[.]; and

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

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

(A) \* \* \*

\* \* \* \* \*

(d) PEER REVIEW FOR GRANTS.—

(1) ESTABLISHMENT OF PEER REVIEW PROCESS.—

(A) \* \* \*

\* \* \* \* \*

(e) DEMONSTRATION PROGRAMS AND PROJECTS.—*The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:*

(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—*The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—*

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

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

(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—*The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.*

(3) RISK AND SAFETY ASSESSMENT TOOLS.—*The Secretary may award grants under this subsection to entities for projects that provide for the development of risk and safety assessment tools relating to child abuse and neglect.*

(4) TRAINING.—*The Secretary may award grants under this subsection to entities for projects that involve innovative training for mandated child abuse and neglect reporters.*

(5) COMPREHENSIVE ADOLESCENT VICTIM/VICTIMIZER PREVENTION PROGRAMS.—*The Secretary may award grants to organizations that demonstrate innovation in preventing child sexual abuse through school-based programs in partnership with parents and community-based organization to establish a network of trainers who will work with schools to implement the program. The program shall be comprehensive, meet State guidelines for health education, and should reduce child sexual*

*abuse by focusing on prevention for both adolescent victims and victimizers.*

\* \* \* \* \*

**[SEC. 105. GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION PROGRAMS AND PROJECTS.]**

**SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.**

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

(1) **TRAINING PROGRAMS.**—The Secretary may award grants to public or private nonprofit organizations under this section—

(A) for the training of professional and paraprofessional personnel in the fields of medicine, law, **[education, social work, and other relevant fields]** *law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem*, who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including the links between domestic violence and child abuse;

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

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

(D) *for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services to improve forensic diagnosis and health evaluations and for innovation partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;*

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

(F) *for the training of personnel regarding their responsibilities to protect the legal rights of children and families;*

(G) for improving the training of supervisory and non-supervisory child welfare workers;

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

(I) for cross training for child protective service workers in recognizing situations of substance abuse, domestic violence, and neglect; and

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

(i) professionals 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.

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

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

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

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

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

[(3)] (4) *[OTHER INNOVATIVE PROGRAMS AND PROJECTS.—]*

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

[(i) accepts, screens and assesses reports received to determine which such reports require an intensive

intervention and which require voluntary referral to another agency, program or project;

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

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

[(B) KINSHIP CARE.—] (4) *KINSHIP CARE.*—

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

[(C) *PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.*—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

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

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

(B) *OPPORTUNITY PASSPORTS AND OTHER ASSISTANCE.*—

(i) *GRANTS.*—*The Secretary, in collaboration with the John H. Chafee Foster Care Independence Board (under section 477 of the Social Security Act), may make grants to eligible partnerships of public agencies or private nonprofit organizations in not more than 10 States to assist the partnerships in developing and implementing methods of providing long- and short-term financial security for youth in foster care and youth aging out of foster care. A partnership shall be eligible for a grant under this subparagraph if such partnership has a board of directors that includes representatives of youth in foster care and aging out of foster care.*

(ii) *USE OF FUNDS.*—

(I) *IN GENERAL.*—*A partnership that receives a grant under clause (i) shall use the funds made available through the grant to carry out 1 or more of the activities described in subclauses (II) or (III).*

(II) *OPPORTUNITY PASSPORTS.*—*The partnership may use the funds to develop and provide, for youth in foster care and aging out of foster care, electronic opportunity passports, electronic cards or secure Internet databases that contain medical records, legal identification (analogous to a Social Security card or birth certificate), and school transcripts, to ensure that the youth can carry or readily access the vital information.*

(III) *INDIVIDUAL DEVELOPMENT ACCOUNTS.*—The partnership may use the funds to establish and provide individual development accounts, to assist youth in foster care and aging out of foster care to obtain postsecondary education, pay for housing, pay for medical care, or operate a business. In establishing and providing such an account, the partnership shall provide a small amount of seed money and shall require the account holder to attend money management training and contribute to the account before receiving access to the account.

(iii) *ACCOUNTS MAINTAINED AFTER ADOPTION.*—An account established for an individual under this subparagraph shall not terminate as a result of the adoption of the individual.

(iv) *OTHER FEDERAL ASSISTANCE.*—The amount of assistance provided to an individual under this subparagraph may be disregarded for purposes of determining the individual's eligibility for, or the amount of, any other Federal or Federally supported assistance, except that the total amount of assistance to an individual under this subparagraph and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in section 472 of the Higher Education Act of 1965, and except that the partnership shall take appropriate steps to prevent duplication of benefits under this and other Federal or Federally supported programs.

(v) *PRIVACY.*—Information concerning an individual that is obtained by a partnership in the implementation of this subparagraph shall remain private and confidential and shall not be disclosed without the informed consent of the individual or otherwise in accordance with applicable Federal, State, or local laws relating to medical privacy. An entity that discloses information in violation of this clause shall be subject to applicable Federal, State or local laws relating to the unlawful disclosure of confidential information.

(vi) *DEFINITION.*—In this subparagraph, the term 'youth aging out of foster care' means children who are—

(I) leaving foster care because such children have attained the maximum age for foster care eligibility in a State; and

(II) transitioning to independent living, as determined by the Secretary.

(5) *LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.*—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have

*their physical health, mental health, and developmental needs appropriately diagnosed and treated.*

\* \* \* \* \*

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

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

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

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

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

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

(i) \* \* \*

\* \* \* \* \*

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

(i) is in a combination with—

(I) \* \* \*

\* \* \* \* \*

(c) EVALUATION.—In making grants for [demonstration] projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects. *In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.*

#### SEC. 106. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

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

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

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

(B) improving legal preparation and representation, including—

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



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

(3) case management, *including ongoing case monitoring*, and delivery of services *and treatment* 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] *developing, improving, and implementing risk and safety assessment tools and protocols*

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

[(5)] (6) developing, strengthening, and facilitating training [opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system] *including safety training opportunities and requirements for child protection workers.*

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

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

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

\* \* \* \* \*

[(8)] (9) developing implementing, or operating—

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

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

[(ii)] the parents of such infants; and

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

[(i)] existing social and health services;

[(ii)] financial assistance; and

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

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

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

- (A) *existing social and health services;*
- (B) *financial assistance; and*
- (C) *services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;*
- (11) *developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;*
- [(9)] (12) *developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level[.];*
- (13) *supporting and enhancing interagency collaboration between the child protection system and the juvenile justice for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or*
- (14) *supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.*

\* \* \* \* \*

(b) **ELIGIBILITY REQUIREMENTS.—**

(1) **STATE PLAN.—**

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

(B) **ADDITIONAL REQUIREMENT.**—After the submission of the initial grant application under subparagraph (A), the State shall [provide notice to the Secretary of any substantive changes] *provide notice to the Secretary—*

*(i) of any substantive changes to any State law relating to the prevention of child abuse and neglect that provide notice may affect the eligibility of the State under this section[.]; and*

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

(2) **COORDINATION.**—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using

amounts received under the grant to achieve the purposes of this title, including—

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

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

(ii) *policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified with illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure;*

[(ii)] (iii) procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports.

(iv) *triage procedures for the referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;*

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

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

[(v)] (vii) 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 requirement ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

(I) individuals who are the subject of the report;

(II) Federal, State, or local government entities, or any agent of such entities[, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect], *as described in clause (viii);*

(III) child abuse citizen review panels;

(IV) child fatality review panels;

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

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

(viii) *provisions to require disclosures of confidential information to any Federal, State, or local government*

*entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;*

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

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

[(viii)] (xi) 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;

[(ix)] (xii) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, *who has received training appropriate to the role, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role* (or both), shall be appointed to represent the child in such proceedings—

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

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

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

[(xi)] (xiv) provisions, procedures, and mechanisms [to be effective not later than 2 years after the date of the enactment of this section]—

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

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

[(xii)] (xv) provisions, procedures, and mechanisms [to be effective not later than 2 years after the date of the enactment of this section] that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—

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

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

1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

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

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

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

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

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

(xix) *not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;*

*Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect.*

\* \* \* \* \*

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

\* \* \* \* \*

## (c) CITIZENS REVIEW PANELS.—

## (1) ESTABLISHMENT.—

## (A) IN GENERAL.—\* \* \*

\*            \*            \*            \*            \*            \*

## (4) FUNCTIONS.—

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

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

(I) a review of the extent to which the **State** *State and local* child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act; and

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

## (B) CONFIDENTIALITY.—

(i) IN GENERAL.—The members and staff of a panel established under paragraph (1)—

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

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

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

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

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

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

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

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

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

\* \* \* \* \*

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

(1) \* \* \*

\* \* \* \* \*

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

\* \* \* \* \*

#### **SEC. 108. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.**

(a) **CONSTRUCTION OF FACILITIES.**—

(1) **RESTRICTION ON USE OF FUNDS.**—\* \* \*

\* \* \* \* \*

(d) **GAO STUDY.**—*Not later than February 1, 2003, the Comptroller General of the United States shall conduct a survey of a wide range of State and local child protection service systems to evaluate and submit to Congress a report concerning—*

*(1) the current training (including cross-training in domestic violence or substance abuse) of child protective service workers in the outcomes for children and to analyze and evaluate the effects of caseloads, compensation, and supervision on staff retention and performance;*

*(2) the efficiencies and effectiveness of agencies that provide cross-training with court personnel; and*

*(3) recommendations to strengthen child protective service effectiveness to improve outcomes for children.*

(e) **SENSE OF CONGRESS.**—*It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.*

(f) **ANNUAL REPORT ON CERTAIN PROGRAMS.**—*A State that receives funds under section 106(a) shall annually prepare and submit to the Secretary a report describing the manner in which funds provided under this Act, alone or in combination with other Federal funds, were used to address the purposes and achieve the objectives of section 105(a)(4)(B).*

\* \* \* \* \*

#### **SEC. 112. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—

[(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, \$100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.]

(2) DISCRETIONARY ACTIVITIES.—

(1) GENERAL AUTHORIZATION.—*There are authorized to be appropriated to carry out this title (other than section 105(a)(4)(B)) \$120,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.*

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

(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the [Secretary make] *Secretary shall make* available not more than 40 percent of such amounts to carry out [section 106] *section 104*.

(b) *Opportunity Passports.*—*There are authorized to be appropriated to carry out section 105(a)(4)(B) \$10,000,000 for fiscal year 2003 and such sums as may be necessary for each subsequent fiscal year. Of the amount appropriated in each such fiscal year, not less than 75 percent of such amount shall be used as provided for under clause (ii)(II) of such section.*

[(b)] (c) AVAILABILITY OF FUNDS WITHOUT FISCAL YEAR LIMITATION.—The Secretary shall ensure that funds appropriated pursuant to authorizations in this title shall remain available until expended for the purposes for which they were appropriated.

\* \* \* \* \*

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

### SEC. 201. PURPOSE AND AUTHORITY.

(a) PURPOSE.—It is the purpose of this title.—

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

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



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

\* \* \* \* \*

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

(1) developing, operating, expanding and enhancing **[State-wide networks of community-based, prevention-focused, family resource and support programs that—]***community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths that—*

(A) offer assistance to families;

(B) provide early, comprehensive support for parents;

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

(D) increase family stability;

(E) improve family access to other formal and informal resources and opportunities for assistance available within communities;

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

**[(G) decrease the risk of homelessness;]**

*(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and*

*(H) provide referrals to early health and developmental services;*

\* \* \* \* \*

(4) maximizing funding *through leveraging of funds* for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding **[a State-wide network of community-based, prevention-focused], community-based and prevention-focused, [family resource and support program]; and programs and activities designed to prevent child abuse and neglect (through networks where appropriate)**

\* \* \* \* \*

#### **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 a lead entity to administer funds under this title for the purposes identified under the authority of this title, including to

develop, implement, operate, enhance or expand [a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network;] *community-based and prevention-focused, programs and activities designed to prevent child abuse and neglect (through networks where appropriate);*

(B) such lead entity is an existing public, quasi-public, or nonprofit private entity (which may be an entity that has not been established pursuant to State legislation, executive order, or any other written authority of the State) *that exists to strengthen and support families to prevent child abuse and neglect* with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

\* \* \* \* \*

(2) \* \* \*

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

(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] *community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate),*

(B) has a demonstrated ability to work with State and community-based public and private nonprofit organiza-

tions to develop a continuum of preventive, family centered, comprehensive services for children and families through the [Statewide network of community-based, prevention-focused, family resource and support programs] *community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)*

(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] *training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)*, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

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

#### SEC. 203. AMOUNT OF GRANT.

(a) RESERVATION.—\* \* \*

(B) \* \* \*

(1) \* \* \*

(A) \* \* \*

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

\* \* \* \* \*

[Section 204 of the Child Abuse Prevention and Treatment Act is repealed.]

#### SEC. 205. APPLICATION.

\* \* \* \* \*

(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] *community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)* which meets the requirements of section 202;

(2) a description of how the [network of community-based, prevention-focused, family resource and support programs *community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)* 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 care, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;]

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

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

(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the [Statewide network of community-based, prevention-focused, family resource and support programs]; *community-based and prevention-focused programs and activities designed to prevent child abuse and neglect*;

\* \* \* \* \*

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

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

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

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

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

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

#### SEC. 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** *and prevention-focused programs and activities designed to prevent child abuse and neglect* that—

\* \* \* \* \*

(3) \* \* \*

(A) \* \* \*

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

\* \* \* \* \*

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

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

\* \* \* \* \*

#### SEC. 207. PERFORMANCE MEASURES.

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

(1) shall demonstrate the effective development, operation and expansion of **a Statewide network of community-based, prevention-focused, family resource and support programs** *community-based and prevention-focused programs and activities to prevent child abuse and neglect* that meets the requirements of this title;

\* \* \* \* \*

**[(3)]** shall demonstrate the establishment of new respite care and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 205(3); **]**

(3) *shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);*

(4) shall describe the number of families served, including families with children with disabilities, *and parents with disabilities*, and the involvement of a diverse representation of families in the design, operation, and [evaluation of the Statewide network 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<sup>1</sup> network funded under this title] *evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs;*

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

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

\* \* \* \* \*

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

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

\* \* \* \* \*

(1) \* \* \*

\* \* \* \* \*

(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] *community-based and prevention-focused programs and activities designed to prevent child abuse and neglect;*

\* \* \* \* \*

#### **SEC. 209. DEFINITIONS.**

For purposes of this title:

(1) CHILDREN WITH DISABILITIES.—The term “children with disabilities” has the same meaning [given such term in section 602(a)(2)] *given the term “child with a disability” in section 602(3) of the Individuals with Disabilities Education Act.*

\* \* \* \* \*

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

[(A) provides, through direct service, the core of 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 (such as through mutual support and parent self-help groups);

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

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

[(v) follow-up services;

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

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

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

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

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

[(iv) referral to services providing job readiness skills;

[(v) child abuse and neglect prevention activities;

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

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

[(viii) peer counseling;

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

[(x) help line services.

[(4) OUTREACH SERVICES.—The term “outreach services” means services provided to assist consumers, through vol-

untary home visits or other methods, in accessing and participating in family resource and support program activities.】

(3) *COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.*—*The term “community-based and prevention-focused programs and activities to prevent child abuse and neglect” includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.*

**[SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

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

**SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

*The authorized to be appropriated to carry out this title \$80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.*

**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 61 percent between 1986 and 1994, as our Nation’s foster care population included more than 452,000 as of June 1994;

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

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

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

*(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation’s foster care population included more than 565,000 as of September of 2001;*

*(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;*



(3) *each year, thousands of children are in need of placement in permanent, adoptive homes;*

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

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

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

【7】(5)(A) currently, there are 131,000 children waiting for adoption

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

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

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

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

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

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

\* \* \* \* \*

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

\* \* \* \* \*

#### SEC. 203. INFORMATION AND SERVICES.

##### 【INFORMATION AND SERVICES】

##### 【SEC. 203. (a) The Secretary】

(a) *IN GENERAL.*—*The Secretary* shall establish in the Department of Health and Human Services an appropriate administrative arrangement to provide a centralized focus for planning and coordinating of all departmental activities affecting adoption and foster care and for carrying out the provisions of this 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 considering adoption of children with special needs.

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

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

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

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

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

\* \* \* \* \*

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

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

\* \* \* \* \*

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

\* \* \* \* \*

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

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

\* \* \* \* \*

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

*(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—*

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

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

*(C) recruitment of prospective families for such children.*

*(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—*

*(1) IN GENERAL.—The Secretary*

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

*(2) SERVICES.—Services*

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

*(A) individual counseling;*

*(B) group counseling;*

*(C) family management;*

*(D) case management;*

*(E) training public agency adoption personnel, personnel of private, **【nonprofit】** child welfare and adoption agencies*

licensed by the State to provide adoption services, mental health services professionals, and other support personnel to provide services under this subsection;

(F) assistance to adoptive parent organizations; [and]

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

(H) day treatment and

(I) respite care.

[(d)(1) The Secretary]

(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

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

[(2)(A) Each State]

(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

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

[(B) The Secretary] (B) TECHNICAL AND OTHER ASSISTANCE.—*The Secretary* shall provide, directly or by grant to or contract with public or private [nonprofit] agencies or organizations—

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

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

[(3)(A) Payments] (3) PAYMENTS.—

(A) IN GENERAL.—*Payments* under this subsection shall begin during fiscal year 1989. Payments under this section

during any fiscal year shall not exceed \$1,000,000. No payment may be made under this subsection unless an amount in excess of \$5,000,000 is appropriated for such fiscal year under section 205(a).

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

(e) *ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.*—

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

(2) *SERVICES TO SUPPLEMENT NOT SUPPLANT.*—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

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

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

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

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

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

#### STUDY OF UNLICENSED ADOPTION PLACEMENTS

SEC. 204. The Secretary shall provide for a study (the results of which shall be reported to the appropriate committees of the Congress not later than eighteen months after the date of enactment [of this Act] of the *Keeping Children and Families Safe Act of 2002*) designed [to determine the nature] to determine—

(1) the nature, scope, and effects of the interstate (and, to the extent feasible, intrastate) placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons of agencies which are [not licensed by or subject to regulation by any governmental entity.] for profit;

(2) how interstate placements are being financed across State lines;

(3) recommendations on best practice models for both interstate and intrastate adoptions; and

(4) *how State policies in defining special needs children differentiate or group similar categories of children.*

\* \* \* \* \*

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) **There are authorized to be appropriated, \$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized.**

**[(b) The Secretary shall ensure that funds appropriated pursuant to authorizations in this Act shall remain available until expended for the purposes for which they were appropriated.]** *There are authorized to the appropriated \$40,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007 to carry out programs and activities authorized under this subtitle.*

\* \* \* \* \*

#### FAMILY VIOLENCE PREVENTION AND SERVICES ACT

\* \* \* \* \*

#### DECLARATION OF PURPOSE

SEC. 302. It is the purpose of this title to—

(1) **[demonstrate the effectiveness of assisting]** *assist* States in efforts to increase public awareness about and prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and

\* \* \* \* \*

#### STATE DEMONSTRATION GRANTS AUTHORIZED

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

\* \* \* \* \*

(A) \* \* \*

\* \* \* \* \*

(C) set forth procedures designed to involve **[State domestic violence coalitions knowledgeable individuals and interested organizations]** *State domestic violence coalitions, knowledgeable individuals, and interested organizations* and assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State and a plan to address the needs of **[underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation;]** *underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);*

\* \* \* \* \*

(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household; *and*

\* \* \* \* \*

(5) *Upon completion of the activities funded by a grant under this title, the State grantee shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).*

#### SECRETARIAL RESPONSIBILITIES

SEC. 305. (a) The Secretary shall appoint **[an employee]** *1 or more employees* of the Department of Health and Human Services to carry out the provisions **[of this title]** *of this title, including carrying out evaluation and monitoring under this title.* **[The individual]** *Any individual* appointed under this subsection shall, prior to such appointment, have had expertise in the field of family violence prevention and services.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(2)(A) **[provide for research, and into]** *provide for research into* the most effective prevention, identification, and treatment thereof (such as research into (1) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in combination, and through the use of civil protection orders removing the abuser from the family household, (ii) the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons), (iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received, and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and

\* \* \* \* \*

#### EVALUATION

SEC. 306 **[Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter,]**

*Every 2 years* the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this title, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the documentation provided to the Secretary under section 303(a)(2)(B) through 303(a)(2)(F).

\* \* \* \* \*

#### SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

##### (a) PURPOSE AND GRANTS.—

\* \* \* \* \*

[(g) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations.]

\* \* \* \* \*

#### SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$175,000,000 for each of fiscal years 2001 through 2005]

(a) *IN GENERAL.*—*There is authorized to be appropriated to carry out this title \$175,000,000 for each of fiscal years 2003 through 2007.*

\* \* \* \* \*

#### SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

##### (a) IN GENERAL.—\* \* \*

##### (2) \* \* \*

##### (A) \* \* \*

\* \* \* \* \*

(K) the use of training and technical assistance to law enforcement, judges, court officers and [other criminal justice professionals,;] *other criminal justice professionals*;

\* \* \* \* \*

(3) work with [family law judges,] *family law judges*, criminal court judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

\* \* \* \* \*

##### (A) \* \* \*

\* \* \* \* \*

(D) the use of training and technical assistance for family law judges, *criminal court judges*, and court personnel;

\* \* \* \* \*

(H) the implementation of [supervised visitations that do not endanger victims and their children] *supervised*



*visitations or denial of visitation to protect against danger to victims or their children; and*

\* \* \* \* \*

[(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to be used to award grants under this section \$8,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

[(h) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing this section.]

(g) *FUNDING.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section.*

#### ADMINISTRATION AND STATUTORY CONSTRUCTION

SEC. 312. (a) \* \* \*

\* \* \* \* \*

(c) *Of the amount appropriated under section 310(a) for each fiscal year, not more than 2 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.*

[Section 313 of the Family Violence Prevention and Services Act is repealed.]

\* \* \* \* \*

[Section 315 of the Family Violence Prevention and Services Act is repealed.]

#### SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) IN GENERAL.—\* \* \*

(b) DURATION.—[A grant] (1) IN GENERAL.—*Except as provided in paragraph (2), a grant under this section may extend over a period of not more than 5 years.*

(2) *EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—*

*(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information the Secretary may prescribe; and*

*(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).”.*

\* \* \* \* \*

(f) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2001 through 2005.]

(1) *IN GENERAL.*—*There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2003 through 2007.*

\* \* \* \* \*

【Section 317 of the Family Violence Prevention and Services Act is repealed.】

**SEC. 317. NATIONAL DOMESTIC VIOLENCE HOTLINE ENHANCEMENT.**

(a) *PURPOSES.*—*The purposes of this section are as follows:*

(1)(A) *To provide a grant to develop a fully secure, continuously updated network of available domestic violence shelters and services across the United States.*

(B) *To make the network available to entities consisting of the entity providing the National Domestic Violence Hotline, shelters nationwide, State and local domestic violence agencies, and other domestic violence organizations, to enable such entities to connect a victim of domestic violence to the most safe, appropriate, and convenient shelter, while the victim remains on the telephone line, or in the most efficient way possible.*

(2) *to ensure that domestic violence victims get the help the victims need in a single phone call.*

(b) *GRANTS AUTHORIZED.*—*The Secretary shall award a grant to a nonprofit organization to establish and operate, after consultation and collaboration with appropriate officials of the Department of Health and Human Services, an Internet Website (referred to in this section as the Website) that shall—*

(1) *link, to the greatest extent possible, entities consisting of the entity providing the National Domestic Violence Hotline, every domestic violence shelter in the United States, State and local domestic violence organizations so that such entities will be able to connect a victim of domestic violence to the most safe, appropriate, and convenient domestic violence shelter, while the victim remains on the telephone line, or in the most efficient way possible;*

(2) *be highly secure; and*

(3) *contain continuously updated information as to available services and space in domestic violence shelters across the United States, to the maximum extent practicable.*

(c) *ELIGIBLE ENTITIES.*—*To be eligible to receive a grant under this section, a nonprofit organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. The application shall—*

(1) *demonstrate the experience of the applicant in successfully developing and managing a technology-based network of domestic violence shelters;*

(2) *demonstrate a record of success of the applicant in meeting the needs of domestic violence victims and their families; and*

(3) *include a certification that the applicant will—*

(A) *implement the highest level security system to ensure the confidentiality of the Website;*

(B) *establish, within 5 years, a Website that links the entities described in subsection (b)(1);*

(C) consult with the entities described in subsection (b)(1) in developing and implementing the Website and providing Internet connections; and

(D) otherwise comply with the requirements of this section.

(d) *USE OF GRANT AWARD.*—The recipient of a grant award under this section shall—

(1) collaborate with officials at the Department of Health and Human Services in a manner determined to be appropriate by the Secretary;

(2) collaborate with the entity providing the National Domestic Violence Hotline in developing and implementing the network;

(3) ensure that the Website is continuously updated;

(4) ensure that the Website provides information describing the services of each domestic violence shelter to which the Website is linked, including information for individuals with limited English proficiency and information concerning access to medical care, social services, transportation, services for children, and other relevant services;

(5) ensure that the Website provides up-to-the-minute information on available bed space in domestic violence shelters across the United States, to the maximum extent practicable;

(6) provide training to the staff of the Hotline and to staff of the entities described in subsection (b)(1) regarding how to use the Website to best meet the needs of callers;

(7) provide Internet access to domestic violence shelters in the United States that do not have the appropriate technology for such access, to the maximum extent practicable; and

(8) to ensure that after the third year of the Website project, the recipient will develop a plan to expand the sources of funding for the Website to include funding from public and private entities, although nothing in this paragraph shall preclude a grant recipient under this section from raising funds from other sources at any time during the 5-year grant period.

(e) *RULE OF CONSTRUCTION.*—Nothing in this Act shall be construed to require any shelter or service provider, whether public or private, to be linked to the website or to provide information to the entity receiving the grant or to the website.

(f) *DURATION OF GRANT.*—The term of a grant awarded under this section shall be 5 years.

(g) *EVALUATION.*—The Secretary shall annually—

(1) conduct an evaluation of the grant program carried out under this section in a manner that shall be designed to derive information on—

(A) the confidentiality of the Website;

(B) the progress of the grant recipient in linking the entities described in subsection (b)(1) to the network described in subsection (c)(1);

(C) the number of individuals served by the Website;

(D) any decrease in the number of phone calls necessary to find shelter space for victims of domestic violence; and

(E) other matters that the Secretary determines to be appropriate to ensure that the grant recipient is achieving the purposes of this section; and

(2) submit to Congress a report on the results of that evaluation.

(h) *OVERSIGHT.*—The Secretary shall have access to, monitor, and help ensure the security of the Website.

(i) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *IN GENERAL.*—There are authorized to be appropriated to carry out this section—

(A) \$5,000,000 for fiscal year 2003; and

(B) such sums as may be necessary for each of fiscal years 2004 through 2007.

(2) *ADMINISTRATIVE COSTS.*—Of the amount made available to carry out this section for each fiscal year the Secretary may use not more than 2 percent for administrative costs associated with the grant program carried out under this section, of which not more than 5 percent shall be used to assist the entity providing the National Domestic Violence Hotline to participate in the establishment of the Website.

**SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.**

(a) *IN GENERAL.*—XXX

\* \* \* \* \*

[(h) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2001 through 2005.

[(i) *REGULATIONS.*—Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of enactment, the Secretary shall publish final regulations implementing this section.]

(h) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2003 through 2007.

**SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.**

(a) *IN GENERAL.*—XXX

\* \* \* \* \*

[(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2001.]

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2003 through 2007.

**SEC. 320. SERVICES FOR CHILDREN EXPOSED TO DOMESTIC VIOLENCE.**

(a) *GRANTS AUTHORIZED.*—The Secretary may award grants on a competitive basis to eligible entities for the purposes and in the manner described in paragraphs (1), (2), and (3) of section (d) for the benefit of children exposed to domestic violence.

(b) *ELIGIBILITY.*—To be eligible to receive a grant under this section, an entity shall, as part of the application of the entity submitted under paragraph (1), (2), or (3) of subsection (d), describe the policies and procedures that entity has or will adopt to—

(1) enhance or ensure the safety and security of a battered parent and, as a result, the child involved;

(2) *ensure that all services under this section are provided in a developmentally, linguistically, and culturally competent manner; and*

(3) *ensure the confidentiality of child and adult victims of domestic violence in a manner that is consistent with applicable Federal and State law, including exempting domestic violence victim service providers from requirements to share confidential information about families receiving services except as required by law or with the informed, written consent of the adult victim being served.*

(c) **GRANT AWARDS AND DISTRIBUTION.**—

(1) **GRANT AWARDS.**—*The Secretary shall award grants under this section—*

(A) *for periods of not more than 3 fiscal years; and*

(B) *in amounts that are less than \$50,000 per fiscal year and not more than \$300,000 per fiscal year.*

(2) **DISTRIBUTION.**—*In awarding grants under this section, the Secretary shall—*

(A) *ensure a reasonable geographical distribution among grantees in rural, urban, and suburban areas throughout the United States; and*

(B) *consider the needs of underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).*

(d) **USE OF FUNDS.**—

(1) **DIRECT SERVICES FOR CHILDREN EXPOSED TO DOMESTIC VIOLENCE.**—

(A) **IN GENERAL.**—*An entity shall use amounts provided under a grant awarded for purposes of this paragraph to design or replicate, and implement, a program or provide services (in accordance with subparagraph (B)) using domestic violence intervention models to respond to the needs of children who—*

(i) *are exposed to domestic violence; and*

(ii) *have a parent or caregiver who is a victim of domestic violence and who is receiving services from such entity.*

(B) **PROGRAM OR SERVICES.**—*The program or services described in subparagraph (A)—*

(i) *shall be a new program or new services, or a new component (that is not offered by the entity on the date on which the entity submitted an application for the grant) of an existing program or services;*

(ii) *shall provide direct counseling or appropriate services or advocacy for children who have been exposed to domestic violence;*

(iii) *may include early childhood and mental health services;*

(iv) *may provide services to assist in legal advocacy efforts on behalf of children with respect to issues related directly to services the children are receiving from the program or services described in subparagraph (A);*

(v) *may include respite care, supervised visitation, and specialized services for children; and*

(vi) may provide additional services and resources for children including child care, transportation, educational support, respite care, supervised visitation, and access to specialized services for children, so long as the grantee does not use more than 25 percent of the amounts made available through the grant to enter into a contract with another organization to provide such additional services and resources.

(C) GRANTEE REQUIREMENTS.—

(i) APPLICATION.—With respect to grants for the use of funds under this paragraph, an eligible entity (as described in clause (ii) and subsection (b)) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the intended uses of the grant funds consistent with subparagraphs (A) and (B).

(ii) ELIGIBILITY.—To be eligible to receive a grant for the use of funds under this paragraph, an entity shall meet the requirements of section 303(a)(2)(A) or section 303(b)(1). Eligible entities may enter into partnerships with other agencies, organizations, or tribal entities to enhance the capacity of such entities to deliver effective services to children exposed to domestic violence.

(2) GRANTS FOR TRAINING AND COLLABORATION AMONG CHILD WELFARE AGENCIES, DOMESTIC VIOLENCE VICTIM SERVICE PROVIDERS, COURTS, LAW ENFORCEMENT, AND OTHER ENTITIES.—

(A) IN GENERAL.—An entity shall use amounts provided under a grant awarded for purposes of this paragraph to carry out a program or provide services to develop collaborative responses and provide cross-training to enhance community responses to cases where child abuse and neglect and domestic violence intersect.

(B) PROGRAM OR SERVICES.—The program or services described in subparagraph (A) shall—

(i) encourage cross training, education, and collaboration among child welfare agencies, domestic violence victim service providers, and (as applicable) courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities, to identify, assess, and respond appropriately to—

(I) domestic violence in homes where children are present and may be exposed to the violence;

(II) domestic violence in child protection cases; and

(III) the needs of both child and adult victims of such violence;

(ii) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, and (as applicable) courts (including family, criminal, juvenile, or tribal courts), law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the safety and well being of children by—

(I) tending to their immediate and longer term needs for treatment and support;

(II) increasing the safety, autonomy, capacity, and financial security of non-abusing parents, including developing service plans that provide resources and support to non-abusing parents;

(III) protecting the safety, security, and well-being of children by preventing their unnecessary removal from a non-abusing parent, or, in cases where removal of the child is necessary to protect the child's safety, taking the necessary steps to provide appropriate services to the child and the non-abusing parent to promote the safe and appropriately prompt reunification of the child with the non-abusing parent;

(IV) recognizing the relationship between child abuse or neglect (including child sexual abuse) and domestic violence in a family, as well as the impact of and danger posed by the perpetrators' behavior on both child and adult victims; and

(V) holding adult perpetrators of domestic violence, not child and adult victims of abuse or neglect, accountable for stopping the perpetrators' abusive behaviors;

(iii) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, and (as applicable) courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

(iv) identify, assess, and respond appropriately to domestic violence in child protection cases; and

(v) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult victims and their children, legal assistance and advocacy for adult victims, assistance for parents to help their children cope with the impact of exposure to domestic violence, appropriate intervention and treatment for adult perpetrators of domestic violence whose children are the subjects of child protection cases, and other necessary supportive services.

(C) GRANTEE REQUIREMENTS.—

(i) APPLICATION.—With respect to grants for the use of funds under this paragraph, an eligible entity (as described in clause (ii) and subsection (b)) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(I) a description of the intended uses of the grant funds consistent with subparagraphs (A) and (B);

(II) *an outline and description of how training and other activities will be undertaken through the grant to promote collaboration;*

(III) *an identification of the members of the partnership that will be responsible for carrying out the initiatives for which the partnership seeks the grant (including a description of roles of sub-contractors and documentation of appropriate compensation of all partners, where relevant);*

(IV) *documentation of any history of collaboration between child welfare agencies, domestic violence victim service providers, and (as applicable) courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities that have been involved in the development of the application; and*

(V) *assurances that training and other activities described in subparagraph (B) will be provided to all levels of staff, will address appropriate practices for investigation, follow-up, screening, intake, assessment, and will provide services addressing the safety needs of child and adult victims in cases where child abuse and neglect and domestic violence intersect.*

(ii) *ELIGIBILITY.—To be eligible to receive a grant for the use of funds under this paragraph, an entity shall be a partnership that—*

(I) *shall include a State child welfare agency, a tribal organization that serves as a child welfare agency, or a local child welfare agency;*

(II) *shall include a domestic violence victim service provider, such as a domestic violence victim service program, tribal domestic violence victim service program, or coalition or other private nonprofit organization carrying out a community-based domestic violence program that has a documented history of effective work concerning domestic violence and the impact that exposure to domestic violence has on children;*

(III) *may include a State, tribal, or local court (including family, criminal, juvenile or tribal courts);*

(IV) *may include a State or local law enforcement agency with responsibility for responding to reports of domestic violence and child abuse and neglect; and*

(V) *may include any other such agencies or private nonprofit organizations with the capacity to provide effective help to the child and adult victims served by the partnership.*

(D) *PRIORITY.—In awarding grants under this paragraph, the Secretary shall give priority to partnerships that include State or local courts (including family, criminal, juvenile, or tribal courts) and law enforcement agencies.*



(3) *MULTISYSTEM INTERVENTIONS FOR CHILDREN EXPOSED TO DOMESTIC VIOLENCE.*—

(A) *IN GENERAL.*—*An entity shall use amounts provided under a grant awarded for purposes of this paragraph to carry out a program or provide services to develop and implement multisystem intervention models to respond to the needs of children exposed to domestic violence.*

(B) *PROGRAMS OR SERVICES.*—*The programs or services described in subparagraph (A) shall—*

*(i) design and implement protocols and systems to identify and appropriately respond to the needs of children exposed to domestic violence who are participating in programs administered by the grantee;*

*(ii) establish guidelines to evaluate the mental health needs of the children and make appropriate intervention recommendations;*

*(iii) include the development or replication of an effective mental health treatment model to meet the needs of children for whom such treatment has been identified as appropriate;*

*(iv) establish institutionalized procedures to enhance or ensure the safety and security of adult victims of domestic violence and, as a result, their children;*

*(v) provide direct counseling or appropriate services or advocacy for adult victims of domestic violence and their children who have been exposed to domestic violence*

*(vi) establish or implement policies and protocols for maintaining the safety confidentiality of the adult victims and their children;*

*(vii) provide community outreach and training to enhance the capacity of professionals who work with children to appropriately identify and respond to the mental health needs of children who have been exposed to domestic violence;*

*(viii) establish procedures for documenting interventions used for each child and family;*

*(ix) establish plans to perform a systematic outcome evaluation to evaluate the effectiveness of the interventions;*

*(x) ensure that all services are provided in a culturally competent manner; and*

*(xi) provide appropriate remuneration to entities described in paragraph (2)(A) who participate in the partnership.*

(C) *GRANTEE REQUIREMENTS.*—

*(i) APPLICATION.*—*With respect to grants for the use of funds under this paragraph, an eligible entity (as described in clause (ii) and subsection (b)) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—*

*(I) a description of the intended uses of the grant funds consistent with subparagraphs (A) and (B);*

(II) an outline of how multi-system interventions will be designed and implemented by the applicant, including submitting signed memoranda of understanding executed by the any partners of the applicant, describing the roles of each participating entity and the amount of remuneration each participating entity will receive;

(III) a demonstration, to ensure that children of all ages utilizing services provided under the grant will have access to appropriate mental health services, of—

(aa) the applicant's recognized history of providing advocacy, health care, child mental health, or crisis services for children in domestic violence cases; or;

(bb) the applicant's partnerships with providers having expertise in child mental health services; and

(IV) a memorandum of understanding with the appropriate State or tribal coalition against domestic violence, to ensure coordination of and dissemination of information about activities to be carried out under the grant.

(ii) *ELIGIBILITY.*—To be eligible to receive a grant for the use of funds under this paragraph, an entity shall be a collaborative partnership that includes—

(I) a local private nonprofit organization that—

(aa) carry out a domestic violence victim service program that provides shelter or related assistance; or

(bb) has expertise in the field of providing services to victims of domestic violence and an understanding of the effects of exposure to domestic violence on children; and

(II) other partners, such as courts (including family, criminal, juvenile, or tribal courts), schools, social service providers, health care providers, law enforcement, early childhood agencies, entities carrying out Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.), or entities carrying out child protection, financial assistance, job training, housing, or children's mental health programs.

(e) *ANNUAL REPORTS.*—An entity receiving a grant under this section shall report to the Secretary annually, at a minimum—

(1) what services and, where appropriate, what collaborative efforts were provided with funds under this section;

(2) the extent to which underserved populations were served with funds received under this section; and

(3) how children exposed to domestic violence and, where appropriate, adult victims of domestic violence benefited from such the activities conducted under the grant.

(f) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *IN GENERAL.*—There are authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2003

through 2007. Amounts appropriated under this subsection shall remain available until expended.

(2) *ALLOCATION OF AMOUNTS.*—Of the amount appropriated to carry out this section for each fiscal year, the Secretary shall—

(A) make available not less than 33 percent of such amount for each of the programs described in subsection (d)(1);

(B) make available not more than 3 percent of such amount for evaluation, monitoring, and other administrative costs associated with conducting activities under this section; and

(C) make available not less than 10 percent of such amount for Indian tribes.

\* \* \* \* \*

## ABANDONED INFANTS ASSISTANCE ACT

\* \* \* \* \*

### SEC. 2. FINDINGS.

The Congress finds that—

[(1) throughout the Nation, the number of infants and young children who have been exposed to drugs taken by their mothers during pregnancy has increased dramatically;]

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

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

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

[(5) training is inadequate for foster care personnel working with medically fragile infants and young children and infants and young children exposed to drugs;]

(4) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as “HIV”), those who have acquired immune deficiency syndrome (commonly known as “AIDS”), and those who have been exposed to dangerous drugs;

[(6) a particularly devastating development is the increase in the number of infants and young children who are infected with the human immunodeficiency virus (which is believed to cause acquired immune deficiency syndrome and which is commonly known as HIV) or who have been perinatally exposed to the virus or to a dangerous drug;

[(7) many such infants and young children have at least one parent who is an intravenous drug abuser.]

[(8)] (5) such infants and young children are particularly difficult to place in foster homes, and are being abandoned in hospitals in increasing numbers by mothers dying of acquired immune [deficiency syndrome,] *by parents abusing drugs*, or by parents incapable of providing adequate care;

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

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

[(11)] (8) there is a need for the development of funding strategies that coordinate and make the optimal use of all private resources, and Federal, State, and local resources, to establish and maintain such services.

(9) *Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.*

**[(b) SEC. 101. ESTABLISHMENT OF PROGRAM OF DEMONSTRATION PROJECTS.]**

**SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS.**

(a) \* \* \*

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

[(1) a case plan of the type described in paragraph (1) of section 475 of the Social Security Act [section 675(1) of this title] is developed for each such infant and young child (to the extent that such infant and young child is not otherwise covered by such a plan); and

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

(b) *PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—*

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

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

**SEC. 102. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.**

[(a) EVALUATIONS OF DEMONSTRATION PROJECTS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as result of such projects.

[(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

[(1) The Secretary shall conduct a study for the purpose of determining—

[(A) an estimate of the number of infants and young children abandoned in hospitals in the United States and the number of such infants who have acquired immune deficiency syndrome; and

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

[(2) The Secretary shall, not later than 12 months after the date of the enactment of this Act [October 18, 1988], complete the study required in paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

[(c) STUDY AND REPORT ON EFFECTIVE CARE METHODS.—

[(1) The Secretary shall conduct a study for the purpose of determining the most effective methods for responding to the needs of abandoned infants and young children.

[(2) The Secretary shall, not later than April 1, 1991, complete the study required in paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.]

**SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.**

(a) *EVALUATIONS OF LOCAL PROGRAMS.*—*The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.*

(b) *STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.*—

(1) *IN GENERAL.*—*The Secretary shall conduct a study for the purpose of determining—*

*(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 233(b);*

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

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

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

(2) *DEADLINE.*—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

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

**[SEC. 103. DEFINITIONS.**

**[For purposes of this title:**

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

**[(2)** The term “dangerous drugs” means a controlled substance, as defined in section 102 of the Controlled Substances Act [21 U.S.C.A. § 802].

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

**SEC. 103. DEFINITIONS.**

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

(2) *The term “acquired immune deficiency syndrome” includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.*

(3) *The term “dangerous drugs” means a controlled substance, as defined in section 102 of the Controlled Substances Act.*

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

(5) *The term “Secretary” means the Secretary of Health and Human Services.*

**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 \$35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.

[(2)(A) Of the amounts appropriated under paragraph (1) for any fiscal year in excess of the amount appropriated under this subsection for fiscal year 1991, as adjusted in accordance with subparagraph (B), the Secretary shall make available not less than 50 percent for grants under section 101(a) to carry out projects described in paragraph (8) of such section.]

[(B) For purposes of subparagraph (A), the amount relating to fiscal year 1991 shall be adjusted for a fiscal year to a greater amount to the extent necessary to reflect the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with March of the preceding fiscal year.]

[(3) Not more than 5 percent of the amounts appropriate under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).]

(a) *IN GENERAL.*—

(1) *AUTHORIZATION.*—*For the purpose of carrying out this Act, there are authorized to be appropriated \$45,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.*

(2) *LIMITATION.*—*Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).*

[(b) *DISSEMINATION OF INFORMATION FOR INDIVIDUALS WITH SPECIAL NEEDS.*—For the purpose of carrying out section 102(b), there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1992 through 1995.]

[(c)] (b) *ADMINISTRATIVE EXPENSES.*—

(1) *AUTHORIZATION.*—For the purpose of the administration of this title by the Secretary, there is authorized to be appropriated for each fiscal year specified in subsection (a)(1) an amount equal to 5 percent of the amount authorized in such subsection to be appropriated for the fiscal year. With respect to the amounts appropriated under such subsection, the preceding sentence may not be construed to prohibit the expenditure of the amounts for the purpose described in such sentence.

(2) *LIMITATION.*—The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the amounts appropriated under subsection (a)(1) for the fiscal year, the Secretary has obligated for the purpose described in such paragraph an amount equal to the amounts obligated by the Secretary for such purpose in [fiscal year 1991.] *fiscal year 2002.*

[(d)] (c) *AVAILABILITY OF FUNDS.*—Amounts appropriated under this section shall remain available until expended.

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