

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6358

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## AN ACT

To require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Child Abuse in  
3 Residential Programs for Teens Act of 2008”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) ASSISTANT SECRETARY.—The term “Assist-  
7 ant Secretary” means the Assistant Secretary for  
8 Children and Families of the Department of Health  
9 and Human Services.

10 (2) CHILD.—The term “child” means an indi-  
11 vidual who has not attained the age of 18.

12 (3) CHILD ABUSE AND NEGLECT.—The term  
13 “child abuse and neglect” has the meaning given  
14 such term in section 111 of the Child Abuse Preven-  
15 tion and Treatment Act (42 U.S.C. 5106g).

16 (4) COVERED PROGRAM.—

17 (A) IN GENERAL.—The term “covered pro-  
18 gram” means each location of a program oper-  
19 ated by a public or private entity that, with re-  
20 spect to one or more children who are unrelated  
21 to the owner or operator of the program—

22 (i) provides a residential environment,  
23 such as—

24 (I) a program with a wilderness  
25 or outdoor experience, expedition, or  
26 intervention;

1 (II) a boot camp experience or  
2 other experience designed to simulate  
3 characteristics of basic military train-  
4 ing or correctional regimes;

5 (III) a therapeutic boarding  
6 school; or

7 (IV) a behavioral modification  
8 program; and

9 (ii) operates with a focus on serving  
10 children with—

11 (I) emotional, behavioral, or men-  
12 tal health problems or disorders; or

13 (II) problems with alcohol or sub-  
14 stance abuse.

15 (B) EXCLUSION.—The term “covered pro-  
16 gram” does not include—

17 (i) a hospital licensed by the State; or

18 (ii) a foster family home that provides  
19 24-hour substitute care for children placed  
20 away from their parents or guardians and  
21 for whom the State child welfare services  
22 agency has placement and care responsi-  
23 bility and that is licensed and regulated by  
24 the State as a foster family home.

1           (5) PROTECTION AND ADVOCACY SYSTEM.—The  
2 term “protection and advocacy system” means a  
3 protection and advocacy system established under  
4 section 143 of the Developmental Disabilities Assist-  
5 ance and Bill of Rights Act of 2000 (42 U.S.C.  
6 15043).

7           (6) STATE.—The term “State” has the mean-  
8 ing given such term in section 111 of the Child  
9 Abuse Prevention and Treatment Act.

10 **SEC. 3. STANDARDS AND ENFORCEMENT.**

11       (a) MINIMUM STANDARDS.—

12           (1) IN GENERAL.—Not later than 180 days  
13 after the date of the enactment of this Act, the As-  
14 sistant Secretary for Children and Families of the  
15 Department of Health and Human Services shall re-  
16 quire each location of a covered program that indi-  
17 vidualy or together with other locations has an ef-  
18 fect on interstate commerce, in order to provide for  
19 the basic health and safety of children at such a pro-  
20 gram, to meet the following minimum standards:

21           (A) Child abuse and neglect shall be pro-  
22 hibited.

23           (B) Disciplinary techniques or other prac-  
24 tices that involve the withholding of essential  
25 food, water, clothing, shelter, or medical care

1 necessary to maintain physical health, mental  
2 health, and general safety, shall be prohibited.

3 (C) The protection and promotion of the  
4 right of each child at such a program to be free  
5 from physical and mechanical restraints and se-  
6 clusion (as such terms are defined in section  
7 595 of the Public Health Service Act (42  
8 U.S.C. 290jj)) to the same extent and in the  
9 same manner as a non-medical, community-  
10 based facility for children and youth is required  
11 to protect and promote the right of its residents  
12 to be free from such restraints and seclusion  
13 under such section 595, including the prohibi-  
14 tions and limitations described in subsection  
15 (b)(3) of such section.

16 (D) Acts of physical or mental abuse de-  
17 signed to humiliate, degrade, or undermine a  
18 child's self-respect shall be prohibited.

19 (E) Each child at such a program shall  
20 have reasonable access to a telephone, and be  
21 informed of their right to such access, for mak-  
22 ing and receiving phone calls with as much pri-  
23 vacy as possible, and shall have access to the  
24 appropriate State or local child abuse reporting

1 hotline number, and the national hotline num-  
2 ber referred to in subsection (c)(2).

3 (F) Each staff member, including volun-  
4 teers, at such a program shall be required, as  
5 a condition of employment, to become familiar  
6 with what constitutes child abuse and neglect,  
7 as defined by State law.

8 (G) Each staff member, including volun-  
9 teers, at such a program shall be required, as  
10 a condition of employment, to become familiar  
11 with the requirements, including with State law  
12 relating to mandated reporters, and procedures  
13 for reporting child abuse and neglect in the  
14 State in which such a program is located.

15 (H) Full disclosure, in writing, of staff  
16 qualifications and their roles and responsibil-  
17 ities at such program, including medical, emer-  
18 gency response, and mental health training, to  
19 parents or legal guardians of children at such  
20 a program, including providing information on  
21 any staff changes, including changes to any  
22 staff member's qualifications, roles, or respon-  
23 sibilities, not later than 10 days after such  
24 changes occur.

1           (I) Each staff member at a covered pro-  
2 gram described in subclause (I) or (II) of sec-  
3 tion 2(4)(A)(i) shall be required, as a condition  
4 of employment, to be familiar with the signs,  
5 symptoms, and appropriate responses associated  
6 with heatstroke, dehydration, and hypothermia.

7           (J) Each staff member, including volun-  
8 teers, shall be required, as a condition of em-  
9 ployment, to submit to a criminal history check,  
10 including a name-based search of the National  
11 Sex Offender Registry established pursuant to  
12 the Adam Walsh Child Protection and Safety  
13 Act of 2006 (Public Law 109–248; 42 U.S.C.  
14 16901 et seq.), a search of the State criminal  
15 registry or repository in the State in which the  
16 covered program is operating, and a Federal  
17 Bureau of Investigation fingerprint check. An  
18 individual shall be ineligible to serve in a posi-  
19 tion with any contact with children at a covered  
20 program if any such record check reveals a fel-  
21 ony conviction for child abuse or neglect, spous-  
22 al abuse, a crime against children (including  
23 child pornography), or a crime involving vio-  
24 lence, including rape, sexual assault, or homi-

1           eide, but not including other physical assault or  
2           battery.

3           (K) Policies and procedures for the provi-  
4           sion of emergency medical care, including poli-  
5           cies for staff protocols for implementing emer-  
6           gency responses.

7           (L) All promotional and informational ma-  
8           terials produced by such a program shall in-  
9           clude a hyperlink to or the URL address of the  
10          website created by the Assistant Secretary pur-  
11          suant to subsection (c)(1)(A).

12          (M) Policies to require parents or legal  
13          guardians of a child attending such a pro-  
14          gram—

15               (i) to notify, in writing, such program  
16               of any medication the child is taking;

17               (ii) to be notified within 24 hours of  
18               any changes to the child’s medical treat-  
19               ment and the reason for such change; and

20               (iii) to be notified within 24 hours of  
21               any missed dosage of prescribed medica-  
22               tion.

23          (N) Procedures for notifying immediately,  
24          to the maximum extent practicable, but not  
25          later than within 48 hours, parents or legal

1 guardians with children at such a program of  
2 any—

3 (i) on-site investigation of a report of  
4 child abuse and neglect;

5 (ii) violation of the health and safety  
6 standards described in this paragraph; and

7 (iii) violation of State licensing stand-  
8 ards developed pursuant to section  
9 114(b)(1) of the Child Abuse Prevention  
10 and Treatment Act, as added by section 7  
11 of this Act.

12 (O) Other standards the Assistant Sec-  
13 retary determines appropriate to provide for the  
14 basic health and safety of children at such a  
15 program.

16 (2) REGULATIONS.—

17 (A) INTERIM REGULATIONS.—Not later  
18 than 180 days after the date of the enactment  
19 of this Act, the Assistant Secretary shall pro-  
20 mulgate and enforce interim regulations to  
21 carry out paragraph (1).

22 (B) PUBLIC COMMENT.—The Assistant  
23 Secretary shall, for a 90-day period beginning  
24 on the date of the promulgation of interim reg-  
25 ulations under subparagraph (A) of this para-

1 graph, solicit and accept public comment con-  
2 cerning such regulations. Such public comment  
3 shall be submitted in written form.

4 (C) FINAL REGULATIONS.—Not later than  
5 90 days after the conclusion of the 90-day pe-  
6 riod referred to in subparagraph (B) of this  
7 paragraph, the Assistant Secretary shall pro-  
8 mulgate and enforce final regulations to carry  
9 out paragraph (1).

10 (b) MONITORING AND ENFORCEMENT.—

11 (1) ON-GOING REVIEW PROCESS.—Not later  
12 than 180 days after the date of the enactment of  
13 this Act, the Assistant Secretary shall implement an  
14 on-going review process for investigating and evalu-  
15 ating reports of child abuse and neglect at covered  
16 programs received by the Assistant Secretary from  
17 the appropriate State, in accordance with section  
18 114(b)(3) of the Child Abuse Prevention and Treat-  
19 ment Act, as added by section 7 of this Act. Such  
20 review process shall—

21 (A) include an investigation to determine if  
22 a violation of the standards required under sub-  
23 section (a)(1) has occurred;

24 (B) include an assessment of the State's  
25 performance with respect to appropriateness of

1 response to and investigation of reports of child  
2 abuse and neglect at covered programs and ap-  
3 propriateness of legal action against responsible  
4 parties in such cases;

5 (C) be completed not later than 60 days  
6 after receipt by the Assistant Secretary of such  
7 a report;

8 (D) not interfere with an investigation by  
9 the State or a subdivision thereof; and

10 (E) be implemented in each State in which  
11 a covered program operates until such time as  
12 each such State has satisfied the requirements  
13 under section 114(e) of the Child Abuse Pre-  
14 vention and Treatment Act, as added by section  
15 7 of this Act, as determined by the Assistant  
16 Secretary, or two years has elapsed from the  
17 date that such review process is implemented,  
18 whichever is later.

19 (2) CIVIL PENALTIES.—Not later than 180  
20 days after the date of the enactment of this Act, the  
21 Assistant Secretary shall promulgate regulations es-  
22 tablishing civil penalties for violations of the stand-  
23 ards required under subsection (a)(1). The regula-  
24 tions establishing such penalties shall incorporate  
25 the following:

1           (A) Any owner or operator of a covered  
2 program at which the Assistant Secretary has  
3 found a violation of the standards required  
4 under subsection (a)(1) may be assessed a civil  
5 penalty not to exceed \$50,000 per violation.

6           (B) All penalties collected under this sub-  
7 section shall be deposited in the appropriate ac-  
8 count of the Treasury of the United States.

9           (c) DISSEMINATION OF INFORMATION.—The Assist-  
10 ant Secretary shall establish, maintain, and disseminate  
11 information about the following:

12           (1) Websites made available to the public that  
13 contain, at a minimum, the following:

14           (A) The name and each location of each  
15 covered program, and the name of each owner  
16 and operator of each such program, operating  
17 in each State, and information regarding—

18           (i) each such program’s history of vio-  
19 lations of—

20           (I) regulations promulgated pur-  
21 suant to subsection (a); and

22           (II) section 114(b)(1) of the  
23 Child Abuse Prevention and Treat-  
24 ment Act, as added by section 7 of  
25 this Act;

1           (ii) each such program's current sta-  
2           tus with the State licensing requirements  
3           under section 114(b)(1) of the Child Abuse  
4           Prevention and Treatment Act, as added  
5           by section 7 of this Act;

6           (iii) any deaths that occurred to a  
7           child while under the care of such a pro-  
8           gram, including any such deaths that oc-  
9           curred in the five year period immediately  
10          preceding the date of the enactment of this  
11          Act, and including the cause of each such  
12          death;

13          (iv) owners or operators of a covered  
14          program that was found to be in violation  
15          of the standards required under subsection  
16          (a)(1), or a violation of the licensing stand-  
17          ards developed pursuant to section  
18          114(b)(1) of the Child Abuse Prevention  
19          and Treatment Act, as added by section 7  
20          of this Act, and who subsequently own or  
21          operate another covered program; and

22          (v) any penalties levied under sub-  
23          section (b)(2) and any other penalties lev-  
24          ied by the State, against each such pro-  
25          gram.

1           (B) Information on best practices for help-  
2           ing adolescents with mental health disorders,  
3           conditions, behavioral challenges, or alcohol or  
4           substance abuse, including information to help  
5           families access effective resources in their com-  
6           munities.

7           (2) A national toll-free telephone hotline to re-  
8           ceive complaints of child abuse and neglect at cov-  
9           ered programs and violations of the standards re-  
10          quired under subsection (a)(1).

11          (d) ACTION.—The Assistant Secretary shall establish  
12          a process to—

13               (1) ensure complaints of child abuse and ne-  
14               glect received by the hotline established pursuant to  
15               subsection (c)(2) are promptly reviewed by persons  
16               with expertise in evaluating such types of com-  
17               plaints;

18               (2) immediately notify the State, appropriate  
19               local law enforcement, and the appropriate protec-  
20               tion and advocacy system of any credible complaint  
21               of child abuse and neglect at a covered program re-  
22               ceived by the hotline;

23               (3) investigate any such credible complaint not  
24               later than 30 days after receiving such complaint to

1 determine if a violation of the standards required  
2 under subsection (a)(1) has occurred; and

3 (4) ensure the collaboration and cooperation of  
4 the hotline established pursuant to subsection (c)(2)  
5 with other appropriate National, State, and regional  
6 hotlines, and, as appropriate and practicable, with  
7 other hotlines that might receive calls about child  
8 abuse and neglect at covered programs.

9 **SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.**

10 If the Assistant Secretary determines that a violation  
11 of subsection (a)(1) of section 3 has not been remedied  
12 through the enforcement process described in subsection  
13 (b)(2) of such section, the Assistant Secretary shall refer  
14 such violation to the Attorney General for appropriate ac-  
15 tion. Regardless of whether such a referral has been made,  
16 the Attorney General may, *sua sponte*, file a complaint in  
17 any court of competent jurisdiction seeking equitable relief  
18 or any other relief authorized by this Act for such viola-  
19 tion.

20 **SEC. 5. REPORT.**

21 Not later than one year after the date of the enact-  
22 ment of this Act and annually thereafter, the Secretary  
23 of Health and Human Services, in coordination with the  
24 Attorney General shall submit to the Committee on Edu-  
25 cation and Labor of the House of Representatives and the

1 Committee on Health, Education, Labor, and Pensions of  
2 the Senate, a report on the activities carried out by the  
3 Assistant Secretary and the Attorney General under this  
4 Act, including—

5           (1) a summary of findings from on-going re-  
6 views conducted by the Assistant Secretary pursuant  
7 to section 3(b)(1), including a description of the  
8 number and types of covered programs investigated  
9 by the Assistant Secretary pursuant to such section;

10           (2) a description of types of violations of health  
11 and safety standards found by the Assistant Sec-  
12 retary and any penalties assessed;

13           (3) a summary of State progress in meeting the  
14 requirements of this Act, including the requirements  
15 under section 114 of the Child Abuse Prevention  
16 and Treatment Act, as added by section 7 of this  
17 Act;

18           (4) a summary of the Secretary's oversight ac-  
19 tivities and findings conducted pursuant to sub-  
20 section (d) of such section 114; and

21           (5) a description of the activities undertaken by  
22 the national toll-free telephone hotline established  
23 pursuant to section 3(c)(2).

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated to the Sec-  
3 retary of Health and Human Services \$15,000,000 for  
4 each of fiscal years 2009 through 2013 to carry out this  
5 Act (excluding the amendment made by section 7 of this  
6 Act and section 8 of this Act).

7 **SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**  
8                   **GRANTS TO STATES TO PREVENT CHILD**  
9                   **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**  
10                   **GRAMS.**

11       (a) IN GENERAL.—Title I of the Child Abuse Preven-  
12 tion and Treatment Act (42 U.S.C. 5101 et seq.) is  
13 amended by adding at the end the following new section:

14 **“SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**  
15                   **GRANTS TO STATES TO PREVENT CHILD**  
16                   **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**  
17                   **GRAMS.**

18       “(a) DEFINITIONS.—In this section:

19               “(1) CHILD.—The term ‘child’ means an indi-  
20 vidual who has not attained the age of 18.

21               “(2) COVERED PROGRAM.—

22                   “(A) IN GENERAL.—The term ‘covered  
23 program’ means each location of a program op-  
24 erated by a public or private entity that, with  
25 respect to one or more children who are unre-  
26 lated to the owner or operator of the program—

1 “(i) provides a residential environ-  
2 ment, such as—

3 “(I) a program with a wilderness  
4 or outdoor experience, expedition, or  
5 intervention;

6 “(II) a boot camp experience or  
7 other experience designed to simulate  
8 characteristics of basic military train-  
9 ing or correctional regimes;

10 “(III) a therapeutic boarding  
11 school; or

12 “(IV) a behavioral modification  
13 program; and

14 “(ii) operates with a focus on serving  
15 children with—

16 “(I) emotional, behavioral, or  
17 mental health problems or disorders;  
18 or

19 “(II) problems with alcohol or  
20 substance abuse.

21 “(B) EXCLUSION.—The term ‘covered pro-  
22 gram’ does not include—

23 “(i) a hospital licensed by the State;  
24 or

1           “(ii) a foster family home that pro-  
2           vides 24-hour substitute care for children  
3           place away from their parents or guardians  
4           and for whom the State child welfare serv-  
5           ices agency has placement and care respon-  
6           sibility and that is licensed and regulated  
7           by the State as a foster family home.

8           “(3) PROTECTION AND ADVOCACY SYSTEM.—  
9           The term ‘protection and advocacy system’ means a  
10          protection and advocacy system established under  
11          section 143 of the Developmental Disabilities Assist-  
12          ance and Bill of Rights Act of 2000 (42 U.S.C.  
13          15043).

14          “(b) ELIGIBILITY REQUIREMENTS.—To be eligible to  
15          receive a grant under section 106, a State shall—

16                 “(1) not later than three years after the date  
17                 of the enactment of this section, develop policies and  
18                 procedures to prevent child abuse and neglect at cov-  
19                 ered programs operating in such State, including  
20                 having in effect health and safety licensing require-  
21                 ments applicable to and necessary for the operation  
22                 of each location of such covered programs that in-  
23                 clude, at a minimum—

24                         “(A) standards that meet or exceed the  
25                         standards required under section 3(a)(1) of the

1 Stop Child Abuse in Residential Programs for  
2 Teens Act of 2008;

3 “(B) the provision of essential food, water,  
4 clothing, shelter, and medical care necessary to  
5 maintain physical health, mental health, and  
6 general safety of children at such programs;

7 “(C) policies for emergency medical care  
8 preparedness and response, including minimum  
9 staff training and qualifications for such re-  
10 sponses; and

11 “(D) notification to appropriate staff at  
12 covered programs if their position of employ-  
13 ment meets the definition of mandated reporter,  
14 as defined by the State;

15 “(2) develop policies and procedures to monitor  
16 and enforce compliance with the licensing require-  
17 ments developed in accordance with paragraph (1),  
18 including—

19 “(A) designating an agency to be respon-  
20 sible, in collaboration and consultation with  
21 State agencies providing human services (in-  
22 cluding child protective services, and services to  
23 children with emotional, psychological, develop-  
24 mental, or behavioral dysfunctions, impair-  
25 ments, disorders, or alcohol or substance

1 abuse), State law enforcement officials, the ap-  
2 propriate protection and advocacy system, and  
3 courts of competent jurisdiction, for monitoring  
4 and enforcing such compliance;

5 “(B) establishing a State licensing applica-  
6 tion process through which any individual seek-  
7 ing to operate a covered program would be re-  
8 quired to disclose all previous substantiated re-  
9 ports of child abuse and neglect and all child  
10 deaths at any businesses previously or currently  
11 owned or operated by such individual, except  
12 that substantiated reports of child abuse and  
13 neglect may remain confidential and all reports  
14 shall not contain any personally identifiable in-  
15 formation relating to the identity of individuals  
16 who were the victims of such child abuse and  
17 neglect;

18 “(C) conducting unannounced site inspec-  
19 tions not less often than once every two years  
20 at each location of a covered program;

21 “(D) creating a non-public database, to be  
22 integrated with the annual State data reports  
23 required under section 106(d), of reports of  
24 child abuse and neglect at covered programs op-  
25 erating in the State, except that such reports

1 shall not contain any personally identifiable in-  
2 formation relating to the identity of individuals  
3 who were the victims of such child abuse and  
4 neglect; and

5 “(E) implementing a policy of graduated  
6 sanctions, including fines and suspension and  
7 revocation of licences, against covered programs  
8 operating in the State that are out of compli-  
9 ance with such health and safety licensing re-  
10 quirements;

11 “(3) if the State is not yet satisfying the re-  
12 quirements of this subsection, in accordance with a  
13 determination made pursuant to subsection (c), de-  
14 velop policies and procedures for notifying the Sec-  
15 retary and the appropriate protection and advocacy  
16 system of any report of child abuse and neglect at  
17 a covered program operating in the State not later  
18 than 30 days after the appropriate State entity, or  
19 subdivision thereof, determines such report should  
20 be investigated and not later than 48 hours in the  
21 event of a fatality;

22 “(4) if the Secretary determines that the State  
23 is satisfying the requirements of this subsection, in  
24 accordance with a determination made pursuant to

1 subsection (c), develop policies and procedures for  
2 notifying the Secretary if—

3 “(A) the State determines there is evidence  
4 of a pattern of violations of the standards re-  
5 quired under paragraph (1) at a covered pro-  
6 gram operating in the State or by an owner or  
7 operator of such a program; or

8 “(B) there is a child fatality at a covered  
9 program operating in the State;

10 “(5) develop policies and procedures for estab-  
11 lishing and maintaining a publicly available database  
12 of all covered programs operating in the State, in-  
13 cluding the name and each location of each such  
14 program and the name of the owner and operator of  
15 each such program, information on reports of sub-  
16 stantiated child abuse and neglect at such programs  
17 (except that such reports shall not contain any per-  
18 sonally identifiable information relating to the iden-  
19 tity of individuals who were the victims of such child  
20 abuse and neglect and that such database shall in-  
21 clude and provide the definition of ‘substantiated’  
22 used in compiling the data in cases that have not  
23 been finally adjudicated), violations of standards re-  
24 quired under paragraph (1), and all penalties levied  
25 against such programs;

1           “(6) annually submit to the Secretary a report  
2 that includes—

3           “(A) the name and each location of all cov-  
4 ered programs, including the names of the own-  
5 ers and operators of such programs, operating  
6 in the State, and any violations of State licens-  
7 ing requirements developed pursuant to sub-  
8 section (b)(1); and

9           “(B) a description of State activities to  
10 monitor and enforce such State licensing re-  
11 quirements, including the names of owners and  
12 operators of each covered program that under-  
13 went a site inspection by the State, and a sum-  
14 mary of the results and any actions taken; and

15           “(7) if the Secretary determines that the State  
16 is satisfying the requirements of this subsection, in  
17 accordance with a determination made pursuant to  
18 subsection (c), develop policies and procedures to re-  
19 port to the appropriate protection and advocacy sys-  
20 tem any case of the death of an individual under the  
21 control or supervision of a covered program not later  
22 than 48 hours after the State is informed of such  
23 death.

24           “(c) SECRETARIAL DETERMINATION.—The Secretary  
25 shall not determine that a State’s licensing requirements,

1 monitoring, and enforcement of covered programs oper-  
2 ating in the State satisfy the requirements of this sub-  
3 section (b) unless—

4           “(1) the State implements licensing require-  
5 ments for such covered programs that meet or ex-  
6 ceed the standards required under subsection (b)(1);

7           “(2) the State designates an agency to be re-  
8 sponsible for monitoring and enforcing compliance  
9 with such licensing requirements;

10           “(3) the State conducts unannounced site in-  
11 spections of each location of such covered programs  
12 not less often than once every two years;

13           “(4) the State creates a non-public database of  
14 such covered programs, to include information on re-  
15 ports of child abuse and neglect at such programs  
16 (except that such reports shall not contain any per-  
17 sonally identifiable information relating to the iden-  
18 tity of individuals who were the victims of such child  
19 abuse and neglect);

20           “(5) the State implements a policy of graduated  
21 sanctions, including fines and suspension and rev-  
22 ocation of licenses against such covered programs  
23 that are out of compliance with the health and safe-  
24 ty licensing requirements under subsection (b)(1);  
25 and

1           “(6) after a review of assessments conducted  
2           under section 3(b)(2)(B) of the Stop Child Abuse in  
3           Residential Programs for Teens Act of 2008, the  
4           Secretary determines the State is appropriately in-  
5           vestigating and responding to allegations of child  
6           abuse and neglect at such covered programs.

7           “(d) OVERSIGHT.—

8           “(1) IN GENERAL.—Beginning two years after  
9           the date of the enactment of the Stop Child Abuse  
10          in Residential Programs for Teens Act of 2008, the  
11          Secretary shall implement a process for continued  
12          monitoring of each State that is determined to be  
13          satisfying the licensing, monitoring, and enforcement  
14          requirements of subsection (b), in accordance with a  
15          determination made pursuant to subsection (c), with  
16          respect to the performance of each such State re-  
17          garding—

18                 “(A) preventing child abuse and neglect at  
19                 covered programs operating in each such State;  
20                 and

21                 “(B) enforcing the licensing standards de-  
22                 scribed in subsection (b)(1).

23           “(2) EVALUATIONS.—The process required  
24           under paragraph (1) shall include in each State, at  
25           a minimum—

1           “(A) an investigation not later than 60  
2 days after receipt by the Secretary of a report  
3 from a State, or a subdivision thereof, of child  
4 abuse and neglect at a covered program oper-  
5 ating in the State, and submission of findings  
6 to appropriate law enforcement or other local  
7 entity where necessary, if the report indicates—

8                   “(i) a child fatality at such program;

9                   or

10                   “(ii) there is evidence of a pattern of  
11 violations of the standards required under  
12 subsection (b)(1) at such program or by an  
13 owner or operator of such program;

14           “(B) an annual review by the Secretary of  
15 cases of reports of child abuse and neglect in-  
16 vestigated at covered programs operating in the  
17 State to assess the State’s performance with re-  
18 spect to the appropriateness of response to and  
19 investigation of reports of child abuse and ne-  
20 glect at covered programs and the appropriate-  
21 ness of legal actions taken against responsible  
22 parties in such cases; and

23           “(C) unannounced site inspections of cov-  
24 ered programs operating in the State to mon-  
25 itor compliance with the standards required

1 under section 3(a) of the Stop Child Abuse in  
2 Residential Programs for Teens Act of 2008.

3 “(3) ENFORCEMENT.—If the Secretary deter-  
4 mines, pursuant to an evaluation under this sub-  
5 section, that a State is not adequately implementing,  
6 monitoring, and enforcing the licensing requirements  
7 of subsection (b)(1), the Secretary shall require, for  
8 a period of not less than one year, that—

9 “(A) the State shall inform the Secretary  
10 of each instance there is a report to be inves-  
11 tigated of child abuse and neglect at a covered  
12 program operating in the State; and

13 “(B) the Secretary and the appropriate  
14 local agency shall jointly investigate such re-  
15 port.”.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
17 112(a)(1) of the Child Abuse Prevention and Treatment  
18 Act (42 U.S.C. 5106h(a)(1)) is amended by inserting be-  
19 fore the period at the end the following: “, and  
20 \$235,000,000 for each of fiscal years 2009 through  
21 2013”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) COORDINATION WITH AVAILABLE RE-  
24 SOURCES.—Section 103(c)(1)(D) of the Child Abuse  
25 Prevention and Treatment Act (42 U.S.C.

1 5104(e)(1)(D)) is amended by inserting after “spe-  
2 cific” the following: “(including reports of child  
3 abuse and neglect occurring at covered programs  
4 (except that such reports shall not contain any per-  
5 sonally identifiable information relating to the iden-  
6 tity of individuals who were the victims of such child  
7 abuse and neglect), as such term is defined in sec-  
8 tion 114)”.

9 (2) FURTHER REQUIREMENT.—Section  
10 106(b)(1) of the Child Abuse Prevention and Treat-  
11 ment Act (42 U.S.C. 5106a(b)(1)) is amended by  
12 adding at the end the following new subparagraph:

13 “(C) FURTHER REQUIREMENT.—To be eli-  
14 gible to receive a grant under this section, a  
15 State shall comply with the requirements under  
16 section 114(b) and shall include in the State  
17 plan submitted pursuant to subparagraph (A) a  
18 description of the activities the State will carry  
19 out to comply with the requirements under such  
20 section 114(b).”.

21 (3) ANNUAL STATE DATA REPORTS.—Section  
22 106(d) of the Child Abuse Prevention and Treat-  
23 ment Act (42 U.S.C. 5106a(d)) is amended—

24 (A) in paragraph (1), by inserting before  
25 the period at the end the following: “(including

1 reports of child abuse and neglect occurring at  
2 covered programs (except that such reports  
3 shall not contain any personally identifiable in-  
4 formation relating to the identity of individuals  
5 who were the victims of such child abuse and  
6 neglect), as such term is defined in section  
7 114)”; and

8 (B) in paragraph (6), by inserting before  
9 the period at the end the following: “or who  
10 were in the care of a covered program, as such  
11 term is defined in section 114”.

12 (d) CLERICAL AMENDMENT.—Section 1(b) of the  
13 Child Abuse Prevention and Treatment Act (42 U.S.C.  
14 5101 note) is amended by inserting after the item relating  
15 to section 113 the following new item:

“Sec. 114. Additional eligibility requirements for grants to States to prevent  
child abuse and neglect at residential programs.”.

16 **SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED**  
17 **PROGRAMS.**

18 (a) STUDY.—The Secretary of Health and Human  
19 Services shall conduct a study, in consultation with rel-  
20 evant agencies and experts, to examine the outcomes for  
21 children in both private and public covered programs  
22 under this Act encompassing a broad representation of  
23 treatment facilities and geographic regions.

1       (b) REPORT.—The Secretary shall submit to the  
2 Committee on Education and Labor of the House of Rep-  
3 resentatives and the Committee on Health, Education,  
4 Labor, and Pensions of the Senate a report that contains  
5 the results of the study conducted under subsection (a).

Passed the House of Representatives June 25, 2008.

Attest:

*Clerk.*

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 6358**

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**AN ACT**

To require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.