

110TH CONGRESS
2D SESSION

H. R. 6358

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2008

Mr. GEORGE MILLER of California introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ASSISTANT SECRETARY.—The term “Assist-
9 ant Secretary” means the Assistant Secretary for

1 Children and Families of the Department of Health
2 and Human Services.

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

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

9 (4) COVERED PROGRAM.—

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

15 (i) provides a residential environment,
16 such as—

17 (I) a program with a wilderness
18 or outdoor experience, expedition, or
19 intervention;

20 (II) a boot camp experience or
21 other experience designed to simulate
22 characteristics of basic military train-
23 ing or correctional regimes;

24 (III) a therapeutic boarding
25 school; or

1 (IV) a behavioral modification
2 program; and

3 (ii) operates with a focus on serving
4 children with—

5 (I) emotional, behavioral, or men-
6 tal health problems or disorders; or

7 (II) problems with alcohol or sub-
8 stance abuse.

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

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

12 (ii) a foster family home that provides
13 24-hour substitute care for children placed
14 away from their parents or guardians and
15 for whom the State child welfare services
16 agency has placement and care responsi-
17 bility and that is licensed and regulated by
18 the State as a foster family home.

19 (5) PROTECTION AND ADVOCACY SYSTEM.—The
20 term “protection and advocacy system” means a
21 protection and advocacy system established under
22 section 143 of the Developmental Disabilities Assist-
23 ance and Bill of Rights Act of 2000 (42 U.S.C.
24 15043).

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

4 **SEC. 3. STANDARDS AND ENFORCEMENT.**

5 (a) MINIMUM STANDARDS.—

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

15 (A) Child abuse and neglect shall be pro-
16 hibited.

17 (B) Disciplinary techniques or other prac-
18 tices that involve the withholding of essential
19 food, water, clothing, shelter, or medical care
20 necessary to maintain physical health, mental
21 health, and general safety, shall be prohibited.

22 (C) The protection and promotion of the
23 right of each child at such a program to be free
24 from physical and mechanical restraints and se-
25 clusion (as such terms are defined in section

1 595 of the Public Health Service Act (42
2 U.S.C. 290jj)) to the same extent and in the
3 same manner as a non-medical, community-
4 based facility for children and youth is required
5 to protect and promote the right of its residents
6 to be free from such restraints and seclusion
7 under such section 595, including the prohibi-
8 tions and limitations described in subsection
9 (b)(3) of such section.

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

13 (E) Each child at such a program shall
14 have reasonable access to a telephone, and be
15 informed of their right to such access, for mak-
16 ing and receiving phone calls with as much pri-
17 vacy as possible, and shall have access to the
18 appropriate State or local child abuse reporting
19 hotline number, and the national hotline num-
20 ber referred to in subsection (c)(2).

21 (F) Each staff member, including volun-
22 teers, at such a program shall be required, as
23 a condition of employment, to become familiar
24 with what constitutes child abuse and neglect,
25 as defined by State law.

1 (G) Each staff member, including volun-
2 teers, at such a program shall be required, as
3 a condition of employment, to become familiar
4 with the requirements, including with State law
5 relating to mandated reporters, and procedures
6 for reporting child abuse and neglect in the
7 State in which such a program is located.

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

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

24 (J) Each staff member, including volun-
25 teers, shall be required, as a condition of em-

1 ployment, to submit to a criminal history check,
2 including a name-based search of the National
3 Sex Offender Registry established pursuant to
4 the Adam Walsh Child Protection and Safety
5 Act of 2006 (Public Law 109–248; 42 U.S.C.
6 16901 et seq.), a search of the State criminal
7 registry or repository in the State in which the
8 covered program is operating, and a Federal
9 Bureau of Investigation fingerprint check. An
10 individual shall be ineligible to serve in a posi-
11 tion with any contact with children at a covered
12 program if any such record check reveals a fel-
13 ony conviction for child abuse or neglect, spous-
14 al abuse, a crime against children (including
15 child pornography), or a crime involving vio-
16 lence, including rape, sexual assault, or homi-
17 cide, but not including other physical assault or
18 battery.

19 (K) Policies and procedures for the provi-
20 sion of emergency medical care, including poli-
21 cies for staff protocols for implementing emer-
22 gency responses.

23 (L) All promotional and informational ma-
24 terials produced by such a program shall in-
25 clude a hyperlink to or the URL address of the

1 website created by the Assistant Secretary pur-
2 suant to subsection (c)(1)(A).

3 (M) Policies to require parents or legal
4 guardians of a child attending such a pro-
5 gram—

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

8 (ii) to be notified within 24 hours of
9 any changes to the child's medical treat-
10 ment and the reason for such change; and

11 (iii) to be notified within 24 hours of
12 any missed dosage of prescribed medica-
13 tion.

14 (N) Procedures for notifying immediately,
15 to the maximum extent practicable, but not
16 later than within 48 hours, parents or legal
17 guardians with children at such a program of
18 any—

19 (i) on-site investigation of a report of
20 child abuse and neglect;

21 (ii) violation of the health and safety
22 standards described in this paragraph; and

23 (iii) violation of State licensing stand-
24 ards developed pursuant to section
25 114(b)(1) of the Child Abuse Prevention

1 and Treatment Act, as added by section 7
2 of this Act.

3 (O) Other standards the Assistant Sec-
4 retary determines appropriate to provide for the
5 basic health and safety of children at such a
6 program.

7 (2) REGULATIONS.—

8 (A) INTERIM REGULATIONS.—Not later
9 than 180 days after the date of the enactment
10 of this Act, the Assistant Secretary shall pro-
11 mulgate and enforce interim regulations to
12 carry out paragraph (1).

13 (B) PUBLIC COMMENT.—The Assistant
14 Secretary shall, for a 90-day period beginning
15 on the date of the promulgation of interim reg-
16 ulations under subparagraph (A) of this para-
17 graph, solicit and accept public comment con-
18 cerning such regulations. Such public comment
19 shall be submitted in written form.

20 (C) FINAL REGULATIONS.—Not later than
21 90 days after the conclusion of the 90-day pe-
22 riod referred to in subparagraph (B) of this
23 paragraph, the Assistant Secretary shall pro-
24 mulgate and enforce final regulations to carry
25 out paragraph (1).

1 (b) MONITORING AND ENFORCEMENT.—

2 (1) ON-GOING REVIEW PROCESS.—Not later
3 than 180 days after the date of the enactment of
4 this Act, the Assistant Secretary shall implement an
5 on-going review process for investigating and evalu-
6 ating reports of child abuse and neglect at covered
7 programs received by the Assistant Secretary from
8 the appropriate State, in accordance with section
9 114(b)(3) of the Child Abuse Prevention and Treat-
10 ment Act, as added by section 7 of this Act. Such
11 review process shall—

12 (A) include an investigation to determine if
13 a violation of the standards required under sub-
14 section (a)(1) has occurred;

15 (B) include an assessment of the State's
16 performance with respect to appropriateness of
17 response to and investigation of reports of child
18 abuse and neglect at covered programs and ap-
19 propriateness of legal action against responsible
20 parties in such cases;

21 (C) be completed not later than 60 days
22 after receipt by the Assistant Secretary of such
23 a report;

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

1 (E) be implemented in each State in which
2 a covered program operates until such time as
3 each such State has satisfied the requirements
4 under section 114(e) of the Child Abuse Pre-
5 vention and Treatment Act, as added by section
6 7 of this Act, as determined by the Assistant
7 Secretary, or two years has elapsed from the
8 date that such review process is implemented,
9 whichever is later.

10 (2) CIVIL PENALTIES.—Not later than 180
11 days after the date of the enactment of this Act, the
12 Assistant Secretary shall promulgate regulations es-
13 tablishing civil penalties for violations of the stand-
14 ards required under subsection (a)(1). The regula-
15 tions establishing such penalties shall incorporate
16 the following:

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

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

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

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

6 (A) The name and each location of each
7 covered program, and the name of each owner
8 and operator of each such program, operating
9 in each State, and information regarding—

10 (i) each such program’s history of vio-
11 lations of—

12 (I) regulations promulgated pur-
13 suant to subsection (a); and

14 (II) section 114(b)(1) of the
15 Child Abuse Prevention and Treat-
16 ment Act, as added by section 7 of
17 this Act;

18 (ii) each such program’s current sta-
19 tus with the State licensing requirements
20 under section 114(b)(1) of the Child Abuse
21 Prevention and Treatment Act, as added
22 by section 7 of this Act;

23 (iii) any deaths that occurred to a
24 child while under the care of such a pro-
25 gram, including any such deaths that oc-

1 curred in the five year period immediately
2 preceding the date of the enactment of this
3 Act, and including the cause of each such
4 death;

5 (iv) owners or operators of a covered
6 program that was found to be in violation
7 of the standards required under subsection
8 (a)(1), or a violation of the licensing stand-
9 ards developed pursuant to section
10 114(b)(1) of the Child Abuse Prevention
11 and Treatment Act, as added by section 7
12 of this Act, and who subsequently own or
13 operate another covered program; and

14 (v) any penalties levied under sub-
15 section (b)(2) and any other penalties lev-
16 ied by the State, against each such pro-
17 gram.

18 (B) Information on best practices for help-
19 ing adolescents with mental health disorders,
20 conditions, behavioral challenges, or alcohol or
21 substance abuse, including information to help
22 families access effective resources in their com-
23 munities.

24 (2) A national toll-free telephone hotline to re-
25 ceive complaints of child abuse and neglect at cov-

1 ered programs and violations of the standards re-
2 quired under subsection (a)(1).

3 (d) ACTION.—The Assistant Secretary shall establish
4 a process to—

5 (1) ensure complaints of child abuse and ne-
6 glect received by the hotline established pursuant to
7 subsection (c)(2) are promptly reviewed by persons
8 with expertise in evaluating such types of com-
9 plaints;

10 (2) immediately notify the State, appropriate
11 local law enforcement, and the appropriate protec-
12 tion and advocacy system of any credible complaint
13 of child abuse and neglect at a covered program re-
14 ceived by the hotline;

15 (3) investigate any such credible complaint not
16 later than 30 days after receiving such complaint to
17 determine if a violation of the standards required
18 under subsection (a)(1) has occurred; and

19 (4) ensure the collaboration and cooperation of
20 the hotline established pursuant to subsection (c)(2)
21 with other appropriate National, State, and regional
22 hotlines, and, as appropriate and practicable, with
23 other hotlines that might receive calls about child
24 abuse and neglect at covered programs.

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

2 If the Assistant Secretary determines that a violation
3 of subsection (a)(1) of section 3 has not been remedied
4 through the enforcement process described in subsection
5 (b)(2) of such section, the Assistant Secretary shall refer
6 such violation to the Attorney General for appropriate ac-
7 tion. Regardless of whether such a referral has been made,
8 the Attorney General may, sua sponte, file a complaint
9 in any court of competent jurisdiction seeking equitable
10 relief or any other relief authorized by this Act for such
11 violation.

12 **SEC. 5. REPORT.**

13 Not later than one year after the date of the enact-
14 ment of this Act and annually thereafter, the Secretary
15 of Health and Human Services, in coordination with the
16 Attorney General shall submit to the Committee on Edu-
17 cation and Labor of the House of Representatives and the
18 Committee on Health, Education, Labor, and Pensions of
19 the Senate, a report on the activities carried out by the
20 Assistant Secretary and the Attorney General under this
21 Act, including—

22 (1) a summary of findings from on-going re-
23 views conducted by the Assistant Secretary pursuant
24 to section 3(b)(1), including a description of the
25 number and types of covered programs investigated
26 by the Assistant Secretary pursuant to such section;

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

4 (3) a summary of State progress in meeting the
5 requirements of this Act, including the requirements
6 under section 114 of the Child Abuse Prevention
7 and Treatment Act, as added by section 7 of this
8 Act;

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

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

15 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**
2 **GRANTS TO STATES TO PREVENT CHILD**
3 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**
4 **GRAMS.**

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

8 **“SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**
9 **GRANTS TO STATES TO PREVENT CHILD**
10 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**
11 **GRAMS.**

12 “(a) DEFINITIONS.—In this section:

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

15 “(2) COVERED PROGRAM.—

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

21 “(i) provides a residential environ-
22 ment, such as—

23 “(I) a program with a wilderness
24 or outdoor experience, expedition, or
25 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
12 mental health problems or disorders;
13 or

14 “(II) problems with alcohol or
15 substance abuse.

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

18 “(i) a hospital licensed by the State;
19 or

20 “(ii) a foster family home that pro-
21 vides 24-hour substitute care for children
22 place away from their parents or guardians
23 and for whom the State child welfare serv-
24 ices agency has placement and care respon-

1 sibility and that is licensed and regulated
2 by the State as a foster family home.

3 “(3) PROTECTION AND ADVOCACY SYSTEM.—

4 The term ‘protection and advocacy system’ means a
5 protection and advocacy system established under
6 section 143 of the Developmental Disabilities Assist-
7 ance and Bill of Rights Act of 2000 (42 U.S.C.
8 15043).

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

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

19 “(A) standards that meet or exceed the
20 standards required under section 3(a)(1) of the
21 Stop Child Abuse in Residential Programs for
22 Teens Act of 2008;

23 “(B) the provision of essential food, water,
24 clothing, shelter, and medical care necessary to

1 maintain physical health, mental health, and
2 general safety of children at such programs;

3 “(C) policies for emergency medical care
4 preparedness and response, including minimum
5 staff training and qualifications for such re-
6 sponses; and

7 “(D) notification to appropriate staff at
8 covered programs if their position of employ-
9 ment meets the definition of mandated reporter,
10 as defined by the State;

11 “(2) develop policies and procedures to monitor
12 and enforce compliance with the licensing require-
13 ments developed in accordance with paragraph (1),
14 including—

15 “(A) designating an agency to be respon-
16 sible, in collaboration and consultation with
17 State agencies providing human services (in-
18 cluding child protective services, and services to
19 children with emotional, psychological, develop-
20 mental, or behavioral dysfunctions, impair-
21 ments, disorders, or alcohol or substance
22 abuse), State law enforcement officials, the ap-
23 propriate protection and advocacy system, and
24 courts of competent jurisdiction, for monitoring
25 and enforcing such compliance;

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

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

17 “(D) creating a non-public database, to be
18 integrated with the annual State data reports
19 required under section 106(d), of reports of
20 child abuse and neglect at covered programs op-
21 erating in the State, except that such reports
22 shall not contain any personally identifiable in-
23 formation relating to the identity of individuals
24 who were the victims of such child abuse and
25 neglect; and

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

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

18 “(4) if the Secretary determines that the State
19 is satisfying the requirements of this subsection, in
20 accordance with a determination made pursuant to
21 subsection (c), develop policies and procedures for
22 notifying the Secretary if—

23 “(A) the State determines there is evidence
24 of a pattern of violations of the standards re-
25 quired under paragraph (1) at a covered pro-

1 gram operating in the State or by an owner or
2 operator of such a program; or

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

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

21 “(6) annually submit to the Secretary a report
22 that includes—

23 “(A) the name and each location of all cov-
24 ered programs, including the names of the own-
25 ers and operators of such programs, operating

1 in the State, and any violations of State licens-
2 ing requirements developed pursuant to sub-
3 section (b)(1); and

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

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

19 “(c) SECRETARIAL DETERMINATION.—The Secretary
20 shall not determine that a State’s licensing requirements,
21 monitoring, and enforcement of covered programs oper-
22 ating in the State satisfy the requirements of this sub-
23 section (b) unless—

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

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

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

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

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

23 “(6) after a review of assessments conducted
24 under section 3(b)(2)(B) of the Stop Child Abuse in
25 Residential Programs for Teens Act of 2008, the

1 Secretary determines the State is appropriately in-
2 vestigating and responding to allegations of child
3 abuse and neglect at such covered programs.

4 “(d) OVERSIGHT.—

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

15 “(A) preventing child abuse and neglect at
16 covered programs operating in each such State;
17 and

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

20 “(2) EVALUATIONS.—The process required
21 under paragraph (1) shall include in each State, at
22 a minimum—

23 “(A) an investigation not later than 60
24 days after receipt by the Secretary of a report
25 from a State, or a subdivision thereof, of child

1 abuse and neglect at a covered program oper-
2 ating in the State, and submission of findings
3 to appropriate law enforcement or other local
4 entity where necessary, if the report indicates—

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

6 or

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

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

20 “(C) unannounced site inspections of cov-
21 ered programs operating in the State to mon-
22 itor compliance with the standards required
23 under section 3(a) of the Stop Child Abuse in
24 Residential Programs for Teens Act of 2008.

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

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

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

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
15 112(a)(1) of the Child Abuse Prevention and Treatment
16 Act (42 U.S.C. 5106h(a)(1)) is amended by inserting be-
17 fore the period at the end the following: “, and
18 \$235,000,000 for each of fiscal years 2009 through
19 2013”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) COORDINATION WITH AVAILABLE RE-
22 SOURCES.—Section 103(c)(1)(D) of the Child Abuse
23 Prevention and Treatment Act (42 U.S.C.
24 5104(c)(1)(D)) is amended by inserting after “spe-
25 cific” the following: “(including reports of child

1 abuse and neglect occurring at covered programs
2 (except that such reports shall not contain any per-
3 sonally identifiable information relating to the iden-
4 tity of individuals who were the victims of such child
5 abuse and neglect), as such term is defined in sec-
6 tion 114)”.
7

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

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

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

23 (A) in paragraph (1), by inserting before
24 the period at the end the following: “(including
25 reports of child abuse and neglect occurring at
covered programs (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), as such term is defined in section
5 114)”; and

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

10 (d) CLERICAL AMENDMENT.—Section 1(b) of the
11 Child Abuse Prevention and Treatment Act (42 U.S.C.
12 5101 note) is amended by inserting after the item relating
13 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.”.

14 **SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED**
15 **PROGRAMS.**

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

22 (b) REPORT.—The Secretary shall submit to the
23 Committee on Education and Labor of the House of Rep-
24 resentatives and the Committee on Health, Education,

- 1 Labor, and Pensions of the Senate a report that contains
- 2 the results of the study conducted under subsection (a).

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