

111TH CONGRESS  
1ST SESSION

# H. R. 911

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2009

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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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 2009”.

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 covered program, in order to provide for  
17 the basic health and safety of children at such a pro-  
18 gram, to meet the following minimum standards:

19           (A) Child abuse and neglect shall be pro-  
20 hibited.

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

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

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

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

1           (F) 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 what constitutes child abuse and neglect,  
5           as defined by State law.

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

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

23          (I) Each staff member at a covered pro-  
24          gram described in subclause (I) or (II) of sec-  
25          tion 2(4)(A)(i) shall be required, as a condition

1 of employment, to be familiar with the signs,  
2 symptoms, and appropriate responses associated  
3 with heatstroke, dehydration, and hypothermia.

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

24 (K) Policies and procedures for the provi-  
25 sion of emergency medical care, including poli-

1           cies for staff protocols for implementing emer-  
2           gency responses.

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

8           (M) Policies to require parents or legal  
9           guardians of a child attending such a pro-  
10          gram—

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

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

16           (iii) to be notified within 24 hours of  
17          any missed dosage of prescribed medica-  
18          tion.

19          (N) Procedures for notifying immediately,  
20          to the maximum extent practicable, but not  
21          later than within 48 hours, parents or legal  
22          guardians with children at such a program of  
23          any—

24           (i) on-site investigation of a report of  
25          child abuse and neglect;



1 (ii) violation of the health and safety  
2 standards described in this paragraph; and

3 (iii) violation of State licensing stand-  
4 ards developed pursuant to section  
5 114(b)(1) of the Child Abuse Prevention  
6 and Treatment Act, as added by section 7  
7 of this Act.

8 (O) Other standards the Assistant Sec-  
9 retary determines appropriate to provide for the  
10 basic health and safety of children at such a  
11 program.

12 (2) REGULATIONS.—

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

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

1 (C) FINAL REGULATIONS.—Not later than  
2 90 days after the conclusion of the 90-day pe-  
3 riod referred to in subparagraph (B) of this  
4 paragraph, the Assistant Secretary shall pro-  
5 mulgate and enforce final regulations to carry  
6 out paragraph (1).

7 (b) MONITORING AND ENFORCEMENT.—

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

18 (A) include an investigation to determine if  
19 a violation of the standards required under sub-  
20 section (a)(1) has occurred;

21 (B) include an assessment of the State's  
22 performance with respect to appropriateness of  
23 response to and investigation of reports of child  
24 abuse and neglect at covered programs and ap-

1           appropriateness of legal action against responsible  
2           parties in such cases;

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

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

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

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

24                  (A) Any owner or operator of a covered  
25                  program at which the Assistant Secretary has

1 found a violation of the standards required  
2 under subsection (a)(1) may be assessed a civil  
3 penalty not to exceed \$50,000 per violation.

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

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

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

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

16 (i) each such program’s history of vio-  
17 lations of—

18 (I) regulations promulgated pur-  
19 suant to subsection (a); and

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

24 (ii) each such program’s current sta-  
25 tus with the State licensing requirements

1 under section 114(b)(1) of the Child Abuse  
2 Prevention and Treatment Act, as added  
3 by section 7 of this Act;

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

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

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

24 (B) Information on best practices for help-  
25 ing adolescents with mental health disorders,

1 conditions, behavioral challenges, or alcohol or  
2 substance abuse, including information to help  
3 families access effective resources in their com-  
4 munities.

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

9 (d) ACTION.—The Assistant Secretary shall establish  
10 a process to—

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

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

21 (3) investigate any such credible complaint not  
22 later than 30 days after receiving such complaint to  
23 determine if a violation of the standards required  
24 under subsection (a)(1) has occurred; and

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

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

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

18 **SEC. 5. REPORT.**

19          Not later than one year after the date of the enact-  
20          ment of this Act and annually thereafter, the Secretary  
21          of Health and Human Services, in coordination with the  
22          Attorney General shall submit to the Committee on Edu-  
23          cation and Labor of the House of Representatives and the  
24          Committee on Health, Education, Labor, and Pensions of  
25          the Senate, a report on the activities carried out by the

1 Assistant Secretary and the Attorney General under this  
2 Act, including—

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

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

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

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

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

22 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated to the Sec-  
24 retary of Health and Human Services \$15,000,000 for  
25 each of fiscal years 2010 through 2014 to carry out this



1 Act (excluding the amendment made by section 7 of this  
2 Act and section 8 of this Act).

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

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

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

14 “(a) DEFINITIONS.—In this section:

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

17 “(2) COVERED PROGRAM.—

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

23 “(i) provides a residential environ-  
24 ment, such as—

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

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

8           “(III) a therapeutic boarding  
9           school; or

10           “(IV) a behavioral modification  
11           program; and

12           “(ii) operates with a focus on serving  
13           children with—

14           “(I) emotional, behavioral, or  
15           mental health problems or disorders;  
16           or

17           “(II) problems with alcohol or  
18           substance abuse.

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

21           “(i) a hospital licensed by the State;  
22           or

23           “(ii) a foster family home that pro-  
24           vides 24-hour substitute care for children  
25           place away from their parents or guardians

1                   and for whom the State child welfare serv-  
2                   ices agency has placement and care respon-  
3                   sibility and that is licensed and regulated  
4                   by the State as a foster family home.

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

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

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

21                  “(A) standards that meet or exceed the  
22                  standards required under section 3(a)(1) of the  
23                  Stop Child Abuse in Residential Programs for  
24                  Teens Act of 2009;

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

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

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

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

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

1 courts of competent jurisdiction, for monitoring  
2 and enforcing such compliance;

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

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

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

1           who were the victims of such child abuse and  
2           neglect; and

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

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

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

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

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

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

24          “(6) annually submit to the Secretary a report  
25          that includes—

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

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

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

22          “(c) SECRETARIAL DETERMINATION.—The Secretary  
23          shall not determine that a State’s licensing requirements,  
24          monitoring, and enforcement of covered programs oper-



1 ating in the State satisfy the requirements of this sub-  
2 section (b) unless—

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

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

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

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

19 “(5) the State implements a policy of graduated  
20 sanctions, including fines and suspension and rev-  
21 ocation of licenses against such covered programs  
22 that are out of compliance with the health and safe-  
23 ty licensing requirements under subsection (b)(1);  
24 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 2009, 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 2009, 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 2009.

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 2010 through  
21           2014”.

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 February 23,  
2009.

Attest:

LORRAINE C. MILLER,

*Clerk.*