

Native American Child Protection Act

[Public Law 118–160]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 118–160. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To amend the Indian Child Protection and Family Violence Prevention Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. [25 U.S.C. 3201 note] SHORT TITLE.

This Act may be cited as the “Native American Child Protection Act”.

SEC. 2. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT AMENDMENTS.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202 et seq.) is amended as follows:

(1) By amending section 403(3)(A) (25 U.S.C. 3202(3)(A)) to read as follows:

“(A) in any case in which—

“(i)(I) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling; and

“(II) such condition is not justifiably explained or may not be the product of an accidental occurrence; or

“(ii) a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution; and”.

(2) In section 409 (25 U.S.C. 3208)—

(A) in subsection (a)—

(i) by striking “The Secretary of Health and Human Services, acting through the Service and in cooperation with the Bureau” and inserting “The Service, in cooperation with the Bureau”; and

(ii) by striking “sexual abuse” and inserting “abuse or neglect”;

(B) in subsection (b) through the end of the section, by striking “Secretary of Health and Human Services” each place it appears and inserting “Service”;

(C) in subsection (b)(1), by inserting after “Any Indian tribe or intertribal consortium” the following: “, on its own or in partnership with an urban Indian organization,”;

(D) in subsections (b)(2)(B) and (d), by striking “such Secretary” each place it appears and inserting “the Service”;

(E) by amending subsection (c) to read as follows:

“(c) CULTURALLY APPROPRIATE TREATMENT.—In awarding grants under this section, the Service shall encourage the use of culturally appropriate treatment services and programs that respond to the unique cultural values, customs, and traditions of applicant Indian Tribes.”;

(F) in subsection (d)(2), by striking “the Secretary” and inserting “the Service”;

(G) by redesignating subsection (e) as subsection (f); and

(H) by inserting after subsection (d) the following:

“(e) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Service shall submit a report to Congress on the award of grants under this section. The report shall contain—

“(1) a description of treatment and services for which grantees have used funds awarded under this section; and

“(2) any other information that the Service requires.”.

(3) In section 410 (25 U.S.C. 3209)—

(A) in the heading—

(i) by inserting “national” before “indian”; and

(ii) by striking “centers” and inserting “center”;

(B) by amending subsections (a) and (b) to read as follows:

“(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of the Native American Child Protection Act, the Secretary shall establish a National Indian Child Resource and Family Services Center.

“(b) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the status of the National Indian Child Resource and Family Services Center.”;

(C) in subsection (c)—

(i) by striking “Each” and inserting “The”; and

(ii) by striking “multidisciplinary”;

(D) in subsection (d)—

(i) in the text before paragraph (1), by striking “Each” and inserting “The”;

(ii) in paragraph (1), by striking “and inter-tribal consortia” and inserting “inter-tribal consortia, and urban Indian organizations”;

(iii) in paragraph (2), by inserting “urban Indian organizations,” after “tribal organizations,”;

(iv) in paragraph (3)—

(I) by inserting “and technical assistance” after “training”; and

(II) by striking “and to tribal organizations” and inserting “, Tribal organizations, and urban Indian organizations”;

(v) in paragraph (4)—

(I) by inserting “, State,” after “Federal”; and

(II) by striking “and tribal” and inserting “Tribal, and urban Indian”; and

(vi) by amending paragraph (5) to read as follows:

“(5) develop model intergovernmental agreements between Tribes and States, and other materials that provide examples of how Federal, State, and Tribal governments can develop effective relationships and provide for maximum cooperation in the furtherance of prevention, investigation, treatment, and prosecution of incidents of family violence and child abuse and child neglect involving Indian children and families.”;

(E) in subsection (e)—

(i) in the heading, by striking “Multidisciplinary Team” and inserting “Team”;

(ii) in the text before paragraph (1), by striking “Each multidisciplinary” and inserting “The”; and

(F) by amending subsections (f) and (g) to read as follows:

“(f) CENTER ADVISORY BOARD.—The Secretary shall establish an advisory board to advise and assist the National Indian Child Resource and Family Services Center in carrying out its activities under this section. The advisory board shall consist of 12 members appointed by the Secretary from Indian Tribes, Tribal organizations, and urban Indian organizations with expertise in child abuse and child neglect. Members shall serve without compensation, but may be reimbursed for travel and other expenses while carrying out the duties of the board. The advisory board shall assist the Center in coordinating programs, identifying training and technical assistance materials, and developing intergovernmental agreements relating to family violence, child abuse, and child neglect.

“(g) APPLICATION OF INDIAN SELF-DETERMINATION ACT TO THE CENTER.—The National Indian Child Resource and Family Services Center shall be subject to the provisions of the Indian Self-Determination Act. The Secretary may also contract for the operation of the Center with a nonprofit Indian organization governed by an Indian-controlled board of directors that have substantial experience in child abuse, child neglect, and family violence involving Indian children and families.”.

(4) In section 411 (25 U.S.C. 3210)—

(A) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “abuse and child neglect” and inserting “abuse, neglect, or both”;

(II) in subparagraph (B), by striking “and” at the end; and

(III) by inserting after subparagraph (C), the following:

“(D) development of agreements between Tribes, States, or private agencies on the coordination of child abuse and neglect prevention, investigation, and treatment services;

“(E) child protective services operational costs including transportation, risk and protective factors assessments, family engagement and kinship navigator services, and relative searches, criminal background checks for prospective placements, and home studies; and

“(F) development of a Tribal child protection or multidisciplinary team to assist in the prevention and investigation of child abuse and neglect;”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting “in culturally appropriate ways” after “incidents of family violence”; and

(II) in subparagraph (C), by inserting “that may include culturally appropriate programs” after “training programs”; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by inserting “and neglect” after “abuse”; and

(II) in subparagraph (B), by striking “cases, to the extent practicable,” and inserting “and neglect cases”;

(B) in subsection (f)—

(i) in paragraph (2), by striking “develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare” and inserting “develop, not later than one year after the date of the enactment of the Native American Child Protection Act, in consultation with Indian Tribes, appropriate caseload standards and staffing requirements”;

(ii) in paragraph (3)(D), by striking “sexual abuse” and inserting “abuse and neglect, high incidence of family violence”;

(iii) by amending paragraph (4) to read as follows:

“(4) The formula established pursuant to this subsection shall provide funding necessary to support not less than one child protective services or family violence caseworker, including fringe benefits and support costs, for each Indian Tribe.”; and

(iv) in paragraph (5), by striking “tribes” and inserting “Indian Tribes”; and

(C) by amending subsection (g) to read as follows:

“(g) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the award of grants under this section. The report shall contain—

“(1) a description of treatment and services for which grantees have used funds awarded under this section; and

“(2) any other information that the Secretary of the Interior requires.”.

SEC. 3. LIMITATION ON APPROPRIATIONS.

No additional amounts are authorized to carry out this Act or any of the amendments made by this Act. Each program, project, and activity authorized by this Act or the amendments made by this Act shall be subject to the availability of appropriations made in advance for such purposes.