

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

MARCH 6, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BOEHNER, from the Committee on Education and the Workforce, submitted the following

R E P O R T

together with

ADDITIONAL MINORITY VIEWS

[To accompany H.R. 14]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 14) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Keeping Children and Families Safe Act of 2003”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Miscellaneous Requirements Relating to Assistance.
Sec. 116. Authorization of appropriations.
Sec. 117. Reports.

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

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.

Sec. 123. Amount of grant.
 Sec. 124. Existing grants.
 Sec. 125. Application.
 Sec. 126. Local program requirements.
 Sec. 127. Performance measures.
 Sec. 128. National network for community-based family resource programs.
 Sec. 129. Definitions.
 Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
 Sec. 202. Information and services.
 Sec. 203. Study of adoption placements.
 Sec. 204. Studies on successful adoptions.
 Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
 Sec. 302. Establishment of local programs.
 Sec. 303. Evaluations, study, and reports by Secretary.
 Sec. 304. Authorization of appropriations.
 Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
 Sec. 402. Secretarial responsibilities.
 Sec. 403. Evaluation.
 Sec. 404. Information and technical assistance centers.
 Sec. 405. Authorization of appropriations.
 Sec. 406. Grants for State domestic violence coalitions.
 Sec. 407. Evaluation and monitoring.
 Sec. 408. Family member abuse information and documentation project.
 Sec. 409. Model State leadership grants.
 Sec. 410. National domestic violence hotline grant.
 Sec. 411. Youth education and domestic violence.
 Sec. 412. Demonstration grants for community initiatives.
 Sec. 413. Transitional housing assistance.
 Sec. 414. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking “close to 1,000,000” and inserting “approximately 900,000”;

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

“(2)(A) more children suffer neglect than any other form of maltreatment; and
 “(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

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

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

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

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

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

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

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

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking “organizations” and inserting “community-based organizations”;

- (B) in subparagraph (D), by striking “ensures” and all that follows through “knowledge,” and inserting “recognizes the need for properly trained staff with the qualifications needed”; and
- (C) in subparagraph (E), by inserting before the semicolon the following: “, which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse”;
- (6) in paragraph (7) (as so redesignated), by striking “this national child and family emergency” and inserting “child abuse and neglect”; and
- (7) in paragraph (9) (as so redesignated)—
 - (A) by striking “intensive” and inserting “needed”; and
 - (B) by striking “if removal has taken place” and inserting “where appropriate”.

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

- (1) in paragraph (1), by striking “all programs,” and all that follows through “neglect; and” and inserting “all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication”;
- (2) in paragraph (2), by striking the period and inserting a semicolon;
- (3) by redesignating paragraph (2) as paragraph (3);
- (4) by inserting after paragraph (1) the following:
 - “(2) maintain information about the best practices used for achieving improvements in child protective systems;”;
 - “(5) by adding at the end the following:
 - “(4) provide technical assistance upon request that may include an evaluation or identification of—
 - “(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;
 - “(B) ways to mitigate psychological trauma to the child victim; and
 - “(C) effective programs carried out by the States under this Act; and
 - “(5) collect and disseminate information relating to various training resources available at the State and local level to—
 - “(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and
 - “(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.”.

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

- (1) in subparagraph (E), by striking “105(a); and” and inserting “104(a);”;
- (2) by redesignating subparagraph (F) as subparagraph (G); and
- (3) by inserting after subparagraph (E) the following:
 - “(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and”.

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

- (1) in paragraph (1)—
 - (A) in the matter preceding subparagraph (A), in the first sentence, by inserting “, including longitudinal research,” after “interdisciplinary program of research”; and
 - (B) in subparagraph (B), by inserting before the semicolon the following: “, including the effects of abuse and neglect on a child’s development and the identification of successful early intervention services or other services that are needed”;
 - (C) in subparagraph (C)—
 - (i) by striking “judicial procedures” and inserting “judicial systems, including multidisciplinary, coordinated decisionmaking procedures”;
 - and
 - (ii) by striking “and” at the end; and

- (D) in subparagraph (D)—
- (i) in clause (viii), by striking “and” at the end;
 - (ii) by redesignating clause (ix) as clause (x); and
 - (iii) by inserting after clause (viii), the following:

“(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and”;
- (E) by redesignating subparagraph (D) as subparagraph (I); and
- (F) by inserting after subparagraph (C), the following:
- “(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);
- “(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;
- “(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;
- “(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;
- “(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (x) of subparagraph (I); and”;
- (2) in paragraph (2), by striking subparagraph (B) and inserting the following:
- “(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.”;
- (3) by redesignating paragraph (2) as paragraph (4);
- (4) by inserting after paragraph (1) the following:
- “(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in clauses (i) through (x) of paragraph (1)(I).
- “(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).”.
- (b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—
- (1) in paragraph (1)—
 - (A) by striking “nonprofit private agencies and” and inserting “private agencies and community-based”; and
 - (B) by inserting “, including replicating successful program models,” after “programs and activities”; and
 - (2) in paragraph (2)—
 - (A) in subparagraph (B), by striking “and” at the end;
 - (B) in subparagraph (C), by striking the period and inserting “; and”; and
 - (C) by adding at the end the following:

“(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.”.
- (c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:
- “(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

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

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

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

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

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

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

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking “DEMONSTRATION” and inserting “GRANTS FOR”;

(2) in the matter preceding paragraph (1)—

(A) by inserting “States,” after “contracts with,”;

(B) by striking “nonprofit”; and

(C) by striking “time limited, demonstration”;

(3) in paragraph (1)—

(A) in subparagraph (A), by striking “law, education, social work, and other relevant fields” and inserting “law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,”;

(B) in subparagraph (B), by striking “nonprofit” and all that follows through “; and” and inserting “children, youth and family service organizations in order to prevent child abuse and neglect,”;

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

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

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

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

“(G) for improving the training of supervisory and nonsupervisory child welfare workers;

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

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

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

“(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including

personnel employed in child protective services programs and health care facilities; and

“(ii) the parents of such infants.”;

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

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

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

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

“(C) provides further investigation and intensive intervention where the child’s safety is in jeopardy.”;

(6) in paragraph (3) (as so redesignated), by striking “(such as Parents Anonymous)”;

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph designation and heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking “(B) **KINSHIP CARE.**—” and inserting the following:

“(4) **KINSHIP CARE.**—”; and

(ii) by striking “nonprofit”; and

(8) by adding at the end the following:

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

(b) **DISCRETIONARY GRANTS.**—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

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

(4) in paragraph (4)(D), by striking “nonprofit”.

(c) **EVALUATION.**—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking “demonstration”;

(2) in the second sentence, by inserting “or contract” after “or as a separate grant”; and

(3) by adding at the end the following: “In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.”.

(d) **TECHNICAL AMENDMENT TO HEADING.**—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

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

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) **DEVELOPMENT AND OPERATION GRANTS.**—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting “, including ongoing case monitoring,” after “case management”; and

(B) by inserting “and treatment” after “and delivery of services”;

(2) in paragraph (4), by striking “improving” and all that follows through “referral systems” and inserting “developing, improving, and implementing risk and safety assessment tools and protocols”;

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

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

(6) in paragraph (6) (as so redesignated), by striking “opportunities” and all that follows through “system” and inserting “including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals”;

(7) by inserting after paragraph (6) (as so redesignated) the following:

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

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

“(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

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

“(A) existing social and health services;

“(B) financial assistance; and

“(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

“(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect.”;

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

“(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

“(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.”.

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking “provide notice to the Secretary of any substantive changes” and inserting the following: “provide notice to the Secretary—

“(i) of any substantive changes”;

(ii) by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

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

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

“(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal in-

toxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

“(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

“(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;”;

(iii) in clause (iii) (as so redesignated), by inserting “risk and” before “safety”;

(iv) by inserting after clause (iii) (as so redesignated), the following:

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

(v) in clause (vii)(II) (as so redesignated), by striking “, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect” and inserting “, as described in clause (viii)”;

(vi) by inserting after clause (vii) (as so redesignated), the following:

“(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;”;

(vii) in clause (xii) (as so redesignated)—

(I) by inserting “who has received training appropriate to the role, and” after “guardian ad litem,”; and

(II) by inserting “who has received training appropriate to that role” after “advocate”;

(viii) in clause (xiv) (as so redesignated), by striking “to be effective not later than 2 years after the date of the enactment of this section”;

(ix) in clause (xv) (as so redesignated)—

(I) by striking “to be effective not later than 2 years after the date of the enactment of this section”; and

(II) by striking “and” at the end;

(x) in clause (xvi) (as so redesignated), by striking “clause (xii)” each place that such appears and inserting “clause (xv)”;

(xi) by adding at the end the following:

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

“(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

“(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers;

“(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act; and

“(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster

and adoptive parents and other adult relatives and non-relatives residing in the household;” and

(C) in paragraph (2), by adding at the end the following flush sentence: “Nothing in subparagraph (A) shall be construed to limit the State’s flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.”

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking “With regard to clauses (v) and (vi) of paragraph (2)(A)” and inserting “With regard to clauses (vi) and (vii) of paragraph (2)(A)”.

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking “and procedures” and inserting “, procedures, and practices”; and

(II) by striking “the agencies” and inserting “State and local child protection system agencies”; and

(ii) in clause (iii)(I), by striking “State” and inserting “State and local”; and

(B) by adding at the end the following:

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

(2) in paragraph (6)—

(A) by striking “public” and inserting “State and the public”; and

(B) by inserting before the period the following: “and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system”.

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

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

“(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.”.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

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

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

“(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title \$120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.”.

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking “Secretary make” and inserting “Secretary shall make”; and

(2) by striking “section 106” and inserting “section 104”.

SEC. 117. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

“(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

“(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

“(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).”.

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

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

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

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking “Statewide” and all that follows through the dash, and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths that—”;

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

(C) by striking subparagraph (G) and inserting the following:

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

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

(2) in paragraph (4)—

(A) by inserting “through leveraging of funds” after “maximizing funding”;

(B) by striking “a Statewide network of community-based, prevention-focused” and inserting “community-based and prevention-focused”; and

(C) by striking “family resource and support program” and inserting “programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”.

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

“TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT”.

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking “a Statewide network of community-based, prevention-focused” and inserting “community-based and prevention-focused”; and

(ii) by striking “family resource and support programs” and all that follows through the semicolon and inserting “programs and activities

designed to prevent child abuse and neglect (through networks where appropriate);”

(B) in subparagraph (B), by inserting “that exists to strengthen and support families to prevent child abuse and neglect” after “written authority of the State”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “a network of community-based family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(B) in subparagraph (B)—

(i) by striking “to the network”; and

(ii) by inserting “, and parents with disabilities” before the semicolon;

(C) in subparagraph (C), by striking “to the network”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(B) in subparagraph (B), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(C) in subparagraph (C), by striking “and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(D) in subparagraph (D), by inserting “, parents with disabilities,” after “children with disabilities”.

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking “as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the” and inserting “as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated”; and

(2) by striking “the lead agency” and inserting “the current lead agency”.

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(2) in paragraph (2)—

(A) by striking “network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(B) by striking “, including those funded by programs consolidated under this Act,”;

(3) by striking paragraph (3), and inserting the following:

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

(4) in paragraph (4), by striking “State’s network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(5) in paragraph (5), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “start up,

maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(6) in paragraph (7), by striking “individual community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(7) in paragraph (8), by striking “community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(8) in paragraph (9), by striking “community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(9) in paragraph (10), by inserting “(where appropriate)” after “members”;

(10) in paragraph (11), by striking “prevention-focused, family resource and support program” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “prevention-focused, family resource and support programs” and inserting “and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “family resource and support services” and inserting “family support services for the prevention of child abuse and neglect”;

(ii) in clause (iii), by striking “and” at the end; and

(iii) by adding at the end the following:

“(v) respite care;

“(vi) home visiting; and

“(vii) family support services;”;

(B) in subparagraph (B), by inserting “voluntary home visiting and” after “including”; and

(3) by striking paragraph (6) and inserting the following:

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

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking “a Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect”;

(2) by striking paragraph (3), and inserting the following:

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

(3) in paragraph (4),

(A) by inserting “and parents with disabilities,” after “children with disabilities,”; and

(B) by striking “evaluation of” the first place it appears and all that follows through “under this title” and inserting “evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs”;

(4) in paragraph (5), by striking “, prevention-focused, family resource and support programs” and inserting “and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(5) in paragraph (6), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”; and

(6) in paragraph (8), by striking “community based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”.

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking “Statewide networks of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”.

SEC. 129. DEFINITIONS.

(a) **CHILDREN WITH DISABILITIES.**—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking “given such term in section 602(a)(2)” and inserting “given the term ‘child with a disability’ in section 602(3) or ‘infant or toddler with a disability’ in section 632(5)”.

(b) **COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.**—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraphs (3) and (4);

(2) by inserting the following after paragraph (2):

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

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

“SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.”.

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

“Sec. 105. Grants to States and public or private agencies and organizations.”.

(2) By striking the item relating to title II and inserting the following:

“TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT”.

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

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

“(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threat-

ening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

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

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

“(7)(A) currently, there are 131,000 children waiting for adoption;”;

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “, including geographic barriers,” after “barriers”; and

(B) in paragraph (2), by striking “a national” and inserting “an Internet-based national”.

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 203. INFORMATION AND SERVICES.”;

(2) by striking “SEC. 203. (a) The Secretary” and inserting the following:

“(a) **IN GENERAL.**—The Secretary”;

(3) in subsection (b)—

(A) by inserting “REQUIRED ACTIVITIES.—” after “(b)”;

(B) in paragraph (1), by striking “nonprofit” each place that such appears;

(C) in paragraph (2), by striking “nonprofit”;

(D) in paragraph (3), by striking “nonprofit”;

(E) in paragraph (4), by striking “nonprofit”;

(F) in paragraph (6), by striking “study the nature, scope, and effects of” and insert “support”;

(G) in paragraph (7), by striking “nonprofit”;

(H) in paragraph (9)—

(i) by striking “nonprofit”; and

(ii) by striking “and” at the end;

(I) in paragraph (10)—

(i) by striking “nonprofit”; each place that such appears; and

(ii) by striking the period at the end and inserting “; and”;

(J) by adding at the end the following:

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

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

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

“(C) recruitment of prospective families for such children.”;

(4) in subsection (c)—

(A) by striking “(c)(1) The Secretary” and inserting the following:

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

“(1) **IN GENERAL.**—The Secretary”;

(B) by striking “(2) Services” and inserting the following:

“(2) **SERVICES.**—Services”; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking “and” at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

“(H) day treatment; and

“(I) respite care.”; and

(D) by striking “nonprofit”; each place that such appears;

(5) in subsection (d)—

(A) by striking “(d)(1) The Secretary” and inserting the following:

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

- “(1) IN GENERAL.—The Secretary”;
- (B) by striking “(2)(A) Each State” and inserting the following:
- “(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—
- “(A) APPLICATIONS.—Each State”;
- (C) by striking “(B) The Secretary” and inserting the following:
- “(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary”;
- (D) in paragraph (2)(B)—
 - (i) by realigning the margins of clauses (i) and (ii) accordingly; and
 - (ii) by striking “nonprofit”;
- (E) by striking “(3)(A) Payments” and inserting the following:
- “(3) PAYMENTS.—
- “(A) IN GENERAL.—Payments”; and
- (F) by striking “(B) Any payment” and inserting the following:
- “(B) REVERSION OF UNUSED FUNDS.—Any payment”; and
- (6) by adding at the end the following:
- “(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—
- “(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.
- “(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—
- “(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;
- “(B) developing models of financing cross-jurisdictional placements;
- “(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;
- “(D) developing training materials and training social workers on preparing and moving children across State lines; and
- “(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.”.

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

- (1) by striking “The” and inserting “(a) IN GENERAL.—The”;
- (2) by striking “of this Act” and inserting “of the Keeping Children and Families Safe Act of 2003”;
- (3) by striking “to determine the nature” and inserting “to determine—
- “(1) the nature”;
- (4) by striking “which are not licensed” and all that follows through “entity”; and
- (5) by adding at the end the following:
- “(2) how interstate placements are being financed across State lines;
- “(3) recommendations on best practice models for both interstate and intra-state adoptions; and
- “(4) how State policies in defining special needs children differentiate or group similar categories of children.”.

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

“(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

“(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary, in consultation with the Comptroller General, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.”.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

“(a) There are authorized to be appropriated \$40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.”.

TITLE III—ABANDONED INFANTS ASSISTANCE**SEC. 301. FINDINGS.**

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

- (1) by striking paragraph (1);
- (2) in paragraph (2)—
 - (A) by inserting “studies indicate that a number of factors contribute to” before “the inability of”;
 - (B) by inserting “some” after “inability of”;
 - (C) by striking “who abuse drugs”; and
 - (D) by striking “care for such infants” and inserting “care for their infants”;
- (3) by amending paragraph (5) to read as follows:

“(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as ‘HIV’), those who have acquired immune deficiency syndrome (commonly known as ‘AIDS’), and those who have been exposed to dangerous drugs;”
- (4) by striking paragraphs (6) and (7);
- (5) in paragraph (8), by inserting “by parents abusing drugs,” after “deficiency syndrome,”;
- (6) in paragraph (9), by striking “comprehensive services” and all that follows through the semicolon at the end and inserting “comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and”;
- (7) by striking paragraph (11);
- (8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and
- (9) by adding at the end the following:

“(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.”.

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

- (1) by striking the section heading and inserting the following:

“SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS.”; and

- (2) by striking subsection (b) and inserting the following:

“(b) **PRIORITY IN PROVISION OF SERVICES.**—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

- “(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or
- “(2) have been perinatally exposed to a dangerous drug.”.

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

“SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

“(a) **EVALUATIONS OF LOCAL PROGRAMS.**—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

“(b) **STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.**—

“(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

“(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

“(B) an estimate of the annual number of infants and young children who are victims of homicide;

“(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant’s birth; and

“(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

“(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

“(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.”.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated \$45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

“(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).”;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting “AUTHORIZATION.—” after “(1)”; and

(B) in paragraph (2)—

(i) by inserting “LIMITATION.—” after “(2)”; and

(ii) by striking “fiscal year 1991.” and inserting “fiscal year 2003.”;

and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

“SEC. 103. DEFINITIONS.

“For purposes of this Act:

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

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

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

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

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

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) **UNDERSERVED POPULATIONS.**—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking “underserved populations,” and all that follows and inserting the following: “underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);”.

(b) **REPORT.**—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

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

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

- (1) by striking “an employee” and inserting “1 or more employees”;
- (2) by striking “of this title.” and inserting “of this title, including carrying out evaluation and monitoring under this title.”; and
- (3) by striking “The individual” and inserting “Any individual”.

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking “Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter,” and inserting “Every 2 years,”.

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) **GENERAL AUTHORIZATION.**—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

“(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$175,000,000 for each of the fiscal years 2004 through 2008.”.

(b) **GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.**—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

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

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

“(c) Of the amount appropriated under section 310(a) for each fiscal year, not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.”.

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) **DURATION.**—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

- (1) by striking “A grant” and inserting the following:
 - “(1) **IN GENERAL.**—Except as provided in paragraph (2), a grant”; and
- (2) by adding at the end the following:

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

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

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

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking “fiscal years 2001 through 2005” and inserting “fiscal years 2004 through 2008”.

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$6,000,000 for each of the fiscal years 2004 through 2008.”.

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 413. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking “fiscal year 2001” and inserting “each of the fiscal years 2004 through 2008”.

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended as follows:

(1) In section 302(1) by striking “demonstrate the effectiveness of assisting” and inserting “assist”.

(2) In section 303(a)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking “State domestic violence coalitions knowledgeable individuals and interested organizations” and inserting “State domestic violence coalitions, knowledgeable individuals, and interested organizations”; and

(ii) in subparagraph (F), by adding “and” at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3).

(3) In section 305(b)(2)(A) by striking “provide for research, and into” and inserting “provide for research into”.

(4) In section 311(a)—

(A) in paragraph (2)(K), by striking “other criminal justice professionals;” and inserting “other criminal justice professionals;” and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “family law judges,” and inserting “family law judges;”;

(ii) in subparagraph (D), by inserting “, criminal court judges,” after “family law judges”; and

(iii) in subparagraph (H), by striking “supervised visitations that do not endanger victims and their children” and inserting “supervised visitations or denial of visitation to protect against danger to victims or their children”.

PURPOSE

The purpose of H.R. 14, the Keeping Children and Families Safe Act of 2003, is to reauthorize and make amendments to the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA). The bill is aimed at preventing child abuse and family violence before it occurs, and protecting and treating abused and neglected children

and victims of family violence. The bill also focuses on maintaining local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to child abandonment.

COMMITTEE ACTION

Hearings

During the 107th Congress, the Subcommittee on Select Education held two hearings in Washington, D.C. to review and hear comments on the reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA).

The first hearing was held on August 2, 2001, "CAPTA: Successes and Failures at Preventing Child Abuse and Neglect." The purpose of the hearing was to review how CAPTA had been implemented and administered since the 1996 reauthorization, and to examine what had or had not worked in the prevention of child abuse and neglect.

The second hearing was held on October 17, 2001, "Prevention and Treatment of Child Abuse and Neglect: Policy Directions for the Future." The purpose of the hearing was to more closely examine the issues and topics that arose during the first hearing in order to help the Subcommittee learn more about such issues as it began the reauthorization process.

Legislative action

On January 7, 2003, Representative Pete Hoekstra (R-MI) introduced H.R. 14, the Keeping Children and Families Safe Act of 2003. H.R. 14 reauthorizes and makes amendments to CAPTA, the Adoption Opportunities program, the Abandoned Infants Act, and FVPSA. Two similar bills were introduced and passed by the House during the 107th Congress: H.R. 3839 and H.R. 5601. The House was unable to reach agreement with the Senate HELP Committee's bill, S. 2998. H.R. 14 reflects provisions in agreement with H.R. 3839 and S. 2998 (which was reflected in H.R. 5601), and includes the recommendations of the Administration, the recommendations of the child abuse and family violence coalitions and community, and the recommendations of groups representing the interests of families.

The Committee on Education and the Workforce considered H.R. 14 in legislative session on February 13, 2003 during which two amendments were considered and adopted by voice vote. The Committee on Education and the Workforce, with the majority of the Committee present, favorably reported H.R. 14, as amended, to the House of Representatives by voice vote on February 13, 2003. The following is a description of the amendments adopted to H.R. 14 during full Committee consideration:

- Representative Hoekstra (R-MI) offered an amendment in the Nature of a Substitute to clarify that states, where permitted by state law, that conduct child abuse and neglect proceedings in open court do so in a manner that considers the safety and well-being of the child, parents and family and to slightly increase the amount of funding (from 2 percent to 2.5

percent) that the Secretary of HHS may use for evaluation, monitoring and other administrative costs for programs under FVPSA.

- Representative Andrews (D-NJ) offered an amendment (for Representative Davis (D-CA)) to provide for a Sense of Congress that entities receiving CAPTA funding should ensure that limited English proficient children and families participating in CAPTA programs are provided materials and services under such programs in an appropriate language other than English.

SUMMARY

TITLE I—CHILD ABUSE PREVENTION AND RELATED PROGRAMS

SUBTITLE A—GENERAL PROGRAM

Subtitle A of H.R. 14 extends and modifies Title 1 of the Child Abuse Prevention and Treatment Act (CAPTA). Title I authorizes: grants to states to help states support their child protective services systems and requires states to submit certain data to the Department of Health and Human Services (HHS); funding for research and demonstration projects related to prevention of child abuse and neglect; grants to states to improve investigation and prosecution of child maltreatment; and authorizes HHS to operate a national clearinghouse of information related to child abuse and neglect. The bill makes clarifying and technical corrections; promotes partnerships between child protective services and private and community-based organizations to provide child abuse and neglect prevention and treatment services; requires the Secretary of HHS to conduct a study on the effectiveness of citizen review panels; requires states to provide for the development of a plan to address the needs of infants harmed by prenatal alcohol or drug exposure; requires states to conduct criminal background checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in a household; instructs HHS to conduct the fourth National Incidence Study (NIS-4); and promotes the protection of individual rights by improving the training, recruitment and retention of child protective services personnel regarding their legal authority. It also requires such personnel to inform individuals of the allegations or complaints made against them. The bill also improves public education on the role of the child protection system and appropriate reporting of suspected incidents of child abuse and neglect to reduce the number of false or malicious allegations.

Title I is currently authorized at such sums. Title I State Grants received \$22 million for FY 2002 and is currently being funded under the Continuing Resolution and Discretionary Grants received \$26 million for FY 2002 and is currently being funded by the Continuing Resolution. The bill authorizes Title I at \$120 million for FY 2004 and such sums for FY 2005 through 2008.

SUBTITLE B—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

Subtitle B of H.R. 14 extends and modifies Title II of CAPTA. Title II authorizes grants to help establish and operate statewide

networks of community-based, family support programs for the prevention of child abuse and neglect that coordinate a wide variety of resources within each state. The bill makes clarifying and technical changes to emphasize the prevention of child abuse and neglect before it occurs; promotes parent leadership to ensure that new parents receive appropriate parenting services, including parents of children with disabilities and parents with disabilities; and includes respite care, home visit and family support services as core family support programs for improving local programs in preventing child abuse and neglect.

Title II is currently authorized at such sums. Community-based grants received \$33 million for FY 2002 and are currently being funded under the Continuing Resolution. The bill authorizes \$80 million for FY 2004 and such sums for FY 2005 through 2008.

SUBTITLE C—CONFORMING AMENDMENTS

Subtitle C of H.R. 14 makes conforming amendments to the act.

TITLE II—ADOPTION OPPORTUNITIES

Title II of H.R. 14 extends and modifies Title II of the Child Abuse Prevention and Treatment and Reform Act of 1978 that authorizes the Adoption Opportunities program. The Adoption Opportunities program authorizes HHS to award funds to states and local public and private nonprofit agencies to promote quality standards for adoption services; pre-placement, post-placement, and post-legal adoption counseling, and standards to protect children's rights; maintain a national adoption information exchange system and conduct national recruitment efforts to reach prospective adoptive parents; and to assist state efforts for increasing the placement of foster care children legally free for adoption. The bill makes minor changes and requires the Secretary of HHS to conduct a study on the dynamics of successful adoptions and the interjurisdictional adoption of foster children; encourages the elimination of geographical barriers to adoption; and requires the Secretary of HHS to study the nature, scope and effect of interstate placement of children in adoptive homes by public and private agencies and how interstate placements are being financed across state lines.

The Adoption Opportunities program is currently authorized at such sums. It received \$27 million for FY 2002 and is currently being funded under the Continuing Resolution. The bill authorizes \$40 million for FY 2004 and such sums for FY 2005 through 2008.

TITLE III—ABANDONED INFANTS ASSISTANCE ACT OF 1988

Title III of H.R. 14 extends and modifies the Abandoned Infants Assistance Act of 1988. The Abandoned Infants Assistance Act authorizes local programs (formerly called demonstration grants) to public and private nonprofit agencies for such activities as preventing the abandonment of infants; identifying and addressing the needs of abandoned infants; recruiting and training foster families for abandoned children; providing residential care for infants and young children who cannot live with their families or be placed in foster care; providing respite care for families and foster families; and recruiting and training health and social services personnel to

work with abandoned children. The bill amends one of the priorities for provisions of services to local programs serving abandoned infants and young children who were perinatally exposed to HIV or are HIV-infected, or have a life-threatening illness or other special needs. The bill also requires the Secretary to conduct a study on the annual number of infants and young children who are victims of homicide; characteristics and demographics of parents who have abandoned an infant; and an estimate of the annual costs incurred by the federal government and by state and local governments in providing for the care of abandoned infants.

The Abandoned Infants Assistance Act is currently authorized at such sums. It received \$12 million for FY 2002 and is currently being funded under the Continuing Resolution. The bill authorizes \$45 million for FY 2004 and such sums for FY 2005 through 2008.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Title IV of H.R. 14 reauthorizes and amends the Family Violence Prevention and Services Act (FVPSA). FVPSA authorizes assistance to states, Tribes and Tribal organizations to assist in efforts to increase public awareness about family violence and provide immediate shelter and related assistance to victims of family violence and their dependents. FVPSA was reauthorized with the Violence Against Women Act during the 106th Congress, however only a straight five year authorization was agreed to with no major changes to the act. The bill makes minor and technical changes to the act and extends the reauthorization to coordinate with the reauthorization of CAPTA and its related programs and act. The bill also extends the authorization for the transitional housing assistance program that awards grants to entities to provide transitional housing or housing assistance to victims and their dependents fleeing a domestic violence situation and for whom emergency shelter services are unavailable or insufficient.

Currently \$175 million is authorized for state demonstration grants, technical assistance centers and state domestic violence coalitions (including Battered Women's Shelters) through FY 2005. The national domestic hotline is authorized at \$2 million through FY 2005, the community initiative grants are authorized at \$6 million through FY 2005, and the transitional housing assistance program is authorized at \$25 million for FY 2001.

FVPSA received \$2 million for its Domestic Violence Hotline program and \$125 million for state demonstration grants, technical assistance centers and state domestic violence coalitions (including Battered Women's Shelters) for FY 2002. The community initiative grants received \$5.9 million for FY 2002. The transitional housing assistance program did not receive funding. All programs are currently being funded under the Continuing Resolution.

COMMITTEE VIEWS

According to the most recent Child Maltreatment Report, each year an estimated 3 million reports of possible child maltreatment are made to child protective services. Approximately 62 percent of these reports were investigated and 879,000 children were estimated to have been victims of child abuse or neglect in 2000. Of

these victims, 62.8 percent suffered neglect, 19 percent suffered physical abuse and 10 percent were sexually abused.

Despite a slight one-year increase in the number of victims of child abuse and neglect this rate still represents the second-lowest level in the past decade. This increase may be due to various factors including a more timely completion of investigations, or a cleared backlog of investigations awaiting dispositions. However, the long-term trend in child abuse reporting has been one of substantial growth, with the number of maltreatment reports more than quadrupling since 1976. It should be noted that increased reporting does not necessarily mean an equivalent increase in actual cases of abuse and neglect. The number of reported child abuse cases is likely higher due to improved reporting mechanisms and greater awareness of the problem of child abuse and neglect. Despite progress made in promoting child abuse awareness, and the endless efforts made to prevent child abuse and neglect, much more work is needed to prevent and treat child abuse and neglect.

Family violence also continues to be the most common, yet least reported, crime in our nation. Approximately, 95 percent of family violence victims are women, and it is estimated that every 11 seconds a woman is battered in the United States. It is also estimated that 70 percent of men who abuse their wives also abuse their children, and children from abusive homes are at greater risk of alcohol or drug abuse, juvenile delinquency, and depression and suicide.

In addition, caseworker training, supervision and case management continue to be important areas of improvement for child protective services systems. Research has shown that child abuse caseworkers lack adequate resources and are often in charge of more cases than they can realistically handle. Caseworker skill, training, and workload are critical components to delivery of appropriate investigations, prevention and intervention, treatment services, and case management.

The Child Abuse Prevention and Treatment Act (CAPTA) was established in 1974 to create a focal point within the federal government to identify and address the issues of child abuse and neglect, and to support effective methods of prevention and treatment. CAPTA was last reauthorized in 1996 and expired at the end of fiscal year 2001.

The last reauthorization in 1996 made significant changes to CAPTA to better target federal abuse and neglect prevention resources, enhance the ability of states to respond to actual cases of abuse and neglect, and to consolidate and coordinate federal data collection efforts in order to gain a better perspective on the trends of child abuse and neglect and find effective methods of prevention and treatment efforts. H.R. 14 builds upon the reforms made during the 1996 reauthorization to improve program implementation and make improvements to current law to ensure that states have the necessary resources and flexibility to properly address issues of child abuse and neglect and family violence. The changes in H.R. 14 also serve to assist states in improving their child protective services systems and enhance the federal government's role in providing support for the child protective services system infrastructure to correct any imbalance in the federal government's response to child abuse and neglect.

Promoting improved services

One recurring theme the Subcommittee on Select Education heard during the hearings on CAPTA held during the 107th Congress was the need to expand upon current law activities of the child protective services system and the need to ensure that states have the necessary resources and data to address the issues of child abuse and neglect. Currently, CAPTA requires the Department of Health and Human Services (HHS) to conduct an interdisciplinary research program to provide information that could improve child protection and the well being of children who have been abused or neglected. HHS is also required to operate a national clearinghouse for information on child abuse and neglect. Both of these resources provide states with important data to assist them in addressing the issues of child abuse and neglect.

In order to build upon existing data and focus research on more current topics, the Committee made several modifications to current law. These changes promote the collection and dissemination of information to help all states improve upon their current systems. H.R. 14 requires the national clearinghouse to collect and disseminate information that describes the best practices being used throughout the nation for making appropriate referrals. The bill also requires the Secretary to conduct research on a variety of topics, including state child protective services systems improvement, effective approaches to interagency collaboration between the child protective services system and the juvenile justice system, and redundancies and gaps in services in the field of child abuse and neglect prevention in order to make better use of limited federal resources.

CAPTA also currently permits the Secretary to conduct time-limited demonstration programs and projects for such matters as training professional and paraprofessional staff, recruiting and training of volunteers, and establishing resource centers for providing information and training related to child abuse and neglect. H.R. 14 expands these opportunities to include training to support the enhancement of linkages between child protective service agencies and health care agencies to improve forensic diagnosis and health evaluations; and to support innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing federal, state, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse and neglect.

The Secretary may also grant awards to private nonprofit organizations to establish and maintain mutual support and self-help programs as a means of strengthening families in partnership with their communities. Current law makes a specific reference to the group Parents Anonymous as an example of the types of organizations that would benefit from such grants. Parents Anonymous is a national self-help organization dedicated to community outreach for the prevention of child abuse and neglect. While recognized as a successful organization, the Committee believes that no single group or organization should receive special recognition in federal statute. As such, H.R. 14 strikes this specific reference to Parents Anonymous in order to create a level playing field for other similar programs and organizations that do not enjoy this special recogni-

tion. However, striking the reference to Parents Anonymous in no way implies that the Committee does not recognize and support the efforts and work of Parents Anonymous. The Committee also wants to encourage the Secretary to continue to award grants to organizations that operate programs that incorporate quality standards and demonstrate effectiveness in their efforts in preventing child abuse and neglect.

H.R. 14 further builds upon the theme of improving state child protective services systems by allowing states to use their CAPTA dollars to promote partnerships between public agencies and community-based organizations to provide child abuse and neglect prevention and treatment services, and by supporting and enhancing interagency collaboration between child protective service systems and the juvenile justice system for improved delivery of services and treatment, including methods of continuity of treatment and services as children transition between such systems.

The bill also improves the training of child protective services personnel to ensure that they are knowledgeable in best practices for promoting collaboration with families and that they are fully aware of the extent and limits of their legal authority and the legal rights of parents in carrying out such investigations. H.R. 14 requires that states have provisions in place that address the training of child protective services personnel in their legal duties, which may consist of procedures to inform such personnel of such duties, in order to protect the legal rights of children and families. H.R. 14 also encourages states to improve the training, retention and supervision of caseworkers as an essential piece of preventing child abuse and neglect. Best practices casework is critical to decreasing child abuse, improving intervention and treatment and to the overall improvement of outcomes for children and families.

In addition, the Committee wanted to ensure that state child protective service agencies were operating effectively and serving the needs of their community. As part of the 1996 reauthorization, states were required to establish citizen review panels composed of volunteer community representatives to examine and evaluate the policies and procedures of state and local child protective services agency activities. To ensure that these review panels are fulfilling their mission, H.R. 14 requires the Secretary to conduct a study by random sample on the effectiveness of citizen review panels and report its findings to the appropriate Committees of Congress.

Fourth National Incidence Study

The National Incidence Study (NIS) is the single most comprehensive source of information about the current rate of child abuse and neglect in the United States. The last NIS study was conducted from 1993 to 1996. It provided key updates on the estimates on the incidence of child abuse and neglect in the United States and measured changes in such incidence from earlier studies. H.R. 14 instructs the Secretary to conduct the fourth NIS and report its findings to the appropriate Committees of Congress within four years. The Committee believes that it is necessary to obtain the most updated information on the national incidence of child abuse and neglect in order to continue to monitor trends on the occurrence of child maltreatment in the United States and to review what is or is not working in the prevention of child abuse and ne-

glect efforts. The Committee also is interested in reviewing the incidence and prevalence of child maltreatment as it relates to family structure and household relationship (including the living arrangement of the resident parent), family income, family size, school enrollment and education attainment, disability, grandparents as caregivers, and labor force status. The Committee feels this information is important in order to review and monitor the conditions that lead to incidents of child abuse and neglect and to help monitor other services that may be needed in the future to ensure that the needs of children at risk for abuse and neglect are met.

Protecting individual rights

During the hearings on CAPTA last Congress, the Subcommittee heard concerns about the number of parents being falsely accused of child abuse and neglect and the aggressiveness of child protective services personnel in their investigations of alleged child abuse. Mr. Christopher Klicka of the Home School Legal Defense Association described numerous cases of innocent families being aggressively investigated on allegations of child abuse and neglect only to have such cases later determined to be unsubstantiated or false. In his testimony describing a conversation with a former social worker, Mr. Klicka stated, "In the old days, social workers tried to prove a reported family was innocent and considered the family innocent until proven guilty. Now the system operates on the principle that a family is guilty . . . period."

The Committee looked carefully for ways to ensure that the individual rights of parents being investigated on allegations of child abuse or neglect were protected, while not compromising the intent of the child protective services system—to ensure that the best interest of the child is the primary focus. To that end the Committee wanted to enhance the training of child protective services personnel to ensure that they are knowledgeable in best practices for promoting collaboration with families and that they are fully aware of the extent and limits of their legal authority and the legal rights of parents in carrying out such investigations. H.R. 14 requires that states have provisions in place that address the training of child protective services personnel in their legal duties, which may consist of procedures to inform such personnel of such duties, in order to protect the constitutional and statutory rights of children and families. For instance, the Committee believes that child protective services personnel should understand that they don't have the authority to demand entry into the family home when investigating an allegation.

The bill also permits states to use their CAPTA dollars to develop and deliver information related to improving public education on the role and responsibilities of the child protective services system and the proper and appropriate basis for reporting suspected incidents of child abuse and neglect. It is the hope of the Committee that by requiring states to improve the training of social workers in proper and appropriate investigating techniques, and provide more education on appropriate reporting of child abuse and neglect by the public that incidents of aggressive investigating behavior and incidents of false reports of child maltreatment cases will be significantly decreased.

The Committee also heard concerns about how most of these families were never informed of the specific allegations made against them in the first place. The Committee firmly believes that individuals being investigated for alleged child maltreatment should be informed of the specific allegations made against them. H.R. 14 addresses this issue by requiring states to have policies and procedures in place to require social workers, at the initial time of contact, to advise individuals who are subject to a child abuse and neglect investigation of the complaints or allegations made against them. However, it is not the intent of the Committee that by requiring states to have such policies and procedures in place that such advisement be too descriptive as to inadvertently provide identifying information that may reveal the source of such allegation or complaint. The bill specifically states that such advisement be in a manner that is consistent with laws protecting the rights of the informant. It is also not the intent of the Committee to in any way prohibit social workers investigating an alleged case of child maltreatment from interviewing a child who may be the victim of such maltreatment in a non-residence setting (such as the child's school) without notifying the child's parents or legal guardian. The goal of this provision is to ensure that the individuals being investigated for alleged child maltreatment be informed of the specific allegations made against them at the initial time of contact by the social worker.

In addition, the Committee wants to ensure that individual rights are protected by giving individuals who have been subject to a child abuse and neglect investigation an opportunity to be heard when they feel they have been wrongfully accused or have been the subject of an overly aggressive child maltreatment investigation. H.R. 14 requires citizen review panels to provide for public outreach and comment in order to help states assess the impact of the procedures and practices of their child protective services system upon the children, families, and individuals in the community.

Protecting infants born addicted to substances

Last Congress, as the Subcommittee began reviewing issues and concerns surrounding the reauthorization of CAPTA one issue that arose was how to protect and deal with infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure. During consideration of H.R. 3839 (from the 107th Congress) Congressman Jim Greenwood (R-PA) offered an amendment to address this issue. As a former caseworker and state legislator, Congressman Greenwood has spent countless hours looking for ways to assure proper treatment for infants who have been harmed by alcohol and/or other drug exposure in utero. During a Subcommittee hearing held in 2001, Congressman Greenwood described his ideas and attempts to require that states have some sort of reporting requirements to child protective services for when infants are born addicted to drugs or alcohol. He also spoke of requiring the child protective services agency to develop a safe plan of care for the infant. Currently, only 12 states and the District of Columbia have some form of specific reporting criteria and procedures relating to drug-exposed infants.

This issue also received attention in the fall of 2001 when the Washington Post ran a series of articles describing several infants born addicted to drugs or alcohol in the District of Columbia who died from lack of care by the mother or supervision from the city's child protective services agency—even when the agency was aware of the child's and family's fragile condition. According to one article, eleven drug-exposed or medically frail newborns in D.C. died from 1993 through 2000 after they were released to parents whose addictions and circumstances were well-documented by hospitals and social workers. The article stated: "The babies got lost in a system where no one assumes direct responsibility for them."

In some instances where the child protective services agency was properly notified, the agency failed to respond to the hospital's calls, leaving fragile infants in the hands of parents who were ill-equipped to care for them. The article continued to describe numerous other cases with the same results. A committee formed to investigate the District's policies regarding infants born drug-exposed or addicted to drugs or alcohol concluded, "There are no standards, policies, procedures, or consistent practices for dealing with substance abuse mothers, especially of newborns addicted to drugs."

Congressman Greenwood's amendment required states, as a condition of receiving CAPTA dollars, to have policies and procedures in place to address the needs of infants born with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure. Under the amendment, health care providers involved in the delivery of such infants would be required to notify the child protective services system of such occurrence and a safe plan of care for the infant, including providing services to the mother would be required. The amendment passed the Subcommittee and Full Committee by voice vote and remained in the bill (H.R. 3839) as passed by the House.

H.R. 14 again includes Congressman Greenwood's language. The Committee wants to be clear that this language does not create any new or amended definition of child abuse. Neither is it the intent of this language to address any legal prosecution of mothers. The goal of this language is to identify infants at risk of child abuse and neglect so appropriate services can be delivered to the infant and mother to provide for the safety of the child. The Committee also wants to be clear that the amendment does not preempt a state's law regarding what constitutes child abuse or requires prosecution. For instance, states that choose to prosecute women who have given birth to infants addicted to drugs or alcohol may continue to do so. The language included in H.R. 14 only requires states to have policies and procedures in place to address a plan of safe care for the infant.

Improved collaboration for improved prevention and treatment services

To prevent gaps in needed services, the bill requires the state child welfare system to develop policies and procedures for the referral of abused or neglected children under the age of 3 to the statewide early intervention system funded under Part C of the Individuals with Disabilities Education Act. Such policies and procedures will ensure that abused children can access any Part C early

intervention services and supports for which they are eligible. Such services will help these children learn, grow and thus enter school ready to learn.

Related to this issue is the importance of health screenings and treatment for children who are victims of child abuse and neglect. Appropriate health and developmental evaluations and treatment can greatly influence healthy child development and can affect treatment and family preservation, such as preventing the need for out-of-home placements. H.R. 14 takes many steps to help states address this problem and improve services for victims of child abuse and neglect by promoting linkages between child protection and health care (including mental health) agencies.

H.R. 14 also promotes collaboration between the child protection system and the juvenile justice system as an important component in the prevention and treatment of child abuse. Research consistently demonstrates that child maltreatment greatly increases the risk of juvenile delinquency and criminal behavior. A study by the National Institute of Justice concluded that being abused or neglected as a child increased the likelihood of arrest as a juvenile by 59 percent and for a violent crime by 29 percent. Thus, many children under the care and supervision of child protection services will come to the attention or custody of the juvenile justice system. Yet social workers, judges, probation officers, researchers and others suggests there is little communication or collaboration between child protection and juvenile justice systems.

Enhanced collaboration between these two systems is needed if children are to receive appropriate treatment for child abuse and neglect. Continuity in services for abused and neglected youth is an essential component to the treatment of child maltreatment, and therefore enhanced collaboration between representatives and procedures of the child protection systems and juvenile justice systems is an essential part of federal, state and local attempts to treat child abuse. H.R. 14 supports better treatment services to victims of child abuse and neglect by encouraging research and allowing operation grants on effective approaches to interagency collaboration that improve the delivery of services and treatment.

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

H.R. 14 revises the current Community-Based Family Resource and Support Grants program under Title II to ensure that grant funds are allocated to a wide array of community-based organizations for the prevention of child abuse and neglect. By removing the references to “network” in several places, the Committee did not intend to alter state practices of funding networks or de-emphasize the importance networks can play in conducting prevention programs. The Committee also did not intend to de-emphasize the roll that family resource and support programs play or alter state practice by replacing the term with “community-based programs.” The definition of community-based programs and activities designed to prevent child abuse and neglect clearly includes Family Resource Centers and Family Support Centers, as are other community-based organizations that may not have previously participated in this program.

The Committee also wants to recognize the importance of respite care and other services as positive, cost-effective community-based child abuse and neglect prevention programs. As such, H.R. 14 amends the local program criteria to include respite care, home visiting and family support services as examples of core services that may be provided in the statewide network. By including these services in the list of core services, the Committee intends to encourage states to consider equally funding these optional core services. Elevating these services to the list of core services in no way requires community-based child abuse and neglect programs to fund these services. It only includes them as options.

In addition, the Committee notes that concerns have been raised that respite care is expensive, or more expensive, than other community-based child abuse and neglect prevention programs. However, there is no evidence to support this claim and the Committee believes that the decision to provide respite care (and other core services) should be left to the lead entities of the state and local programs. Moreover, many community and faith-based respite programs rely on qualified trained respite volunteers, further enhancing the cost effectiveness of this approach. As evidence shows, respite and crisis care programs are effective prevention strategies associated with avoiding more costly out-of-home placements, including foster care. The Committee simply believes that state lead entities and local programs should make these decisions for themselves.

THE ADOPTION OPPORTUNITIES PROGRAM

The Adoption Opportunities Program was created to help eliminate barriers to adoption and to facilitate the acquisition of permanent homes for children who would benefit from adoption, particularly children with special needs and disabled infants with life-threatening conditions. The Adoption Opportunities Program provides grants to public and non-profit agencies to: promote quality standards for adoption services, pre- and post-placement, and post-legal adoption counseling, and standards to protect children's rights. The program also authorizes a national adoption information exchange system and national recruitment efforts to reach prospective adoptive parents.

H.R. 14 makes minor modifications to the Adoption Opportunities program and requires the Secretary to conduct a study on the dynamics of successful adoptions. The Committee recognizes the lack of research about the dynamics of successful adoptions and supports the need for such research in order to fill this gap and provide better information on adoption. The Committee also recognizes the opportunity to call attention to the need to eliminate continued geographic barriers to adoption. As such, H.R. 14 includes language that was included in last year's Senate Committee reported version of the bill (S. 2998) to permit the Secretary of Health and Human Services to make grants to promote the elimination of geographic barriers to adoption, such as developing and supporting initiatives for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries, and for the development of training materials and to train social workers on preparing and moving children across state lines. In addition, the bill requires HHS to study the nature, scope and

effect of interstate placement of children in adoptive homes by public and private agencies and how interstate placements are being financed across state lines, and report its findings and recommendations to the appropriate Committees of Congress.

The Abandoned Infants Assistance Act

The Abandoned Infants Act provides grants to public and non-profit agencies that design and implement demonstration projects to address this problem. Specific activities include: preventing the abandonment of infants, identifying and addressing the needs of abandoned infants, recruiting and training foster families for abandoned children, providing residential care for infants and young children who cannot live with their families or who are awaiting placement in foster care, providing respite care for families and foster families, and recruiting and training health and social services personnel to work with abandoned children. Priority for services is given to children who were perinatally exposed to HIV or HIV-infected, or were perinatally exposed to dangerous drugs.

As noted, the current Abandoned Infants Assistance Act places a priority on services for abandoned infants and young children born infected with or exposed to HIV or perinatally exposed to dangerous drugs. H.R. 14 includes language that broadens one of the two priorities. The bill maintains the program's commitment to serving infants born infected with or exposed to the human immunodeficiency virus (HIV) and then broadens this priority to recognize abandoned infants and young children born with other serious medical conditions. The act's other priority—abandoned infants and young children perinatally exposed to drugs—remains unchanged.

The Committee fully supports the discretion of the Secretary to continue its priority to fund local programs that serve infants whose mothers are infected with HIV/AIDS or are addicted to illicit drugs, because at the present time drug use and HIV/AIDS are the leading factors resulting in infant abandonment. However, the Committee acknowledges that over time other factors may become more prevalent predictors of infant abandonment.

The Family Violence Prevention and Services Act

The Family Violence Prevention and Services Act (FVPSA) authorizes assistance to states, Tribes and Tribal organizations to assist in efforts to increase public awareness about family violence and provide immediate shelter and related assistance to victims of family violence and their dependents.

The Family Violence Prevention and Services Act (FVPSA) was reauthorized along with the Violence Against Women Act (VAWA) during the 106th Congress, however, at that time only a straight five year authorization was agreed to and no significant changes were made. Traditionally, FVPSA is reauthorized along with CAPTA and its related programs and acts. As such, H.R. 14 extends the authorization and makes minor modifications to FVPSA to coordinate with the reauthorization of CAPTA. H.R. 14 does not make changes to VAWA. The Committee also wants to recognize the work and efforts of the Domestic Violence Hotline. The Hotline is charged with providing a 24 hour, toll-free telephone number and maintaining a database of information on services available to

victims of domestic violence, including the availability of temporary shelters. By extending the authorization for the Domestic Violence Hotline the Committee wants to ensure the Hotline continues to provide these essential services. In addition, FVPSA (as reauthorized under VAWA) authorized the transitional housing assistance program for only one year. The transitional housing assistance program awards grants to entities that provide transitional housing or housing assistance to victims and their dependents fleeing a domestic violence situation and for whom emergency shelter services are unavailable or insufficient. The Committee recognizes the importance of the transitional housing assistance program in helping domestic violence victims find permanent, safe, secure and stable living situations. The Committee further recognizes that far too often, because of programmatic and funding constraints, the permissible length of stay in emergency shelters for those fleeing a domestic violence situation does not always provide enough time for victims to begin the task of restoring order to their lives. H.R. 14 extends the authorization for the transitional housing assistance program through FY 2008.

SECTION-BY-SECTION ANALYSIS

Section 1. Establishes the short title of the act to be the “Keeping Children and Families Safe Act of 2003,” and the table of contents.

TITLE I—THE CHILD ABUSE PREVENTION AND TREATMENT ACT

Section 101. Amends section 2 of the act to establish and update the findings.

SUBTITLE A—GENERAL PROGRAM

Section 111. Amends section 103(b) of the act and section 103(c)(1) of such act.

Section 112. Amends section 104(a) and section 104(b) of the act pertaining to research and assistance activities; and amends section 104 to establish demonstration programs and projects.

Section 113. Amends section 105(a), (b) and (c) of the act pertaining to grants to public agencies or private organizations for demonstration programs and projects; and section 105 to amend the heading.

Section 114. Amends section 106(a), (b)(1)(B), (b)(2)(A), (2), (b)(3), (c) and (d) of the act pertaining to grants to states for child abuse and neglect prevention and treatment programs, citizen review panels, and annual state reporting requirements.

Section 115. Amends section 108 of the act to encourage materials and services for children and families of limited English proficiency to be provided in the appropriate language other than English.

Section 116. Amends section 112(a)(1) and (a)(2)(B) to extend the authorization of appropriations and make technical corrections.

Section 117. Amends section 110 of the act to require the Secretary to conduct a study of the effectiveness of the citizen review panels and submit such report to the appropriate Congressional committees.

SUBTITLE B—COMMUNITY-BASED FAMILY RESOURCES AND SUPPORT
GRANTS

Section 121. Amends section 201(a)(1) and (b) of the act to clarify the purpose and authority of community-based family resource and support grants; and amends Title II to change the heading.

Section 122. Amends section 202 of the act to make technical changes regarding eligibility requirements.

Section 123. Amends section 203(b)(1)(B) of the act to make technical changes to the formula.

Section 124. Repeals section 204 of the act.

Section 125. Amends section 205 of the act to make technical changes pertaining to state applications.

Section 126. Amends section 206(a) of the act to make technical changes regarding local program requirements.

Section 127. Amends section 207 of the act to make technical changes to performance measures.

Section 128. Amends section 208(3) of the act to make technical changes to the National Network for Community-Based Family Resource programs.

Section 129. Amends section 209(1) and 209 (3) and (4) of the act pertaining to definitions.

Section 130. Amends section 210 to extend the authorization of appropriations.

SUBTITLE C—CONFORMING AMENDMENTS

Section 141. Provides for conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Section 201. Amends section 201 of such act pertaining to congressional findings and declaration of purpose.

Section 202. Amends section 203 of such act regarding services for families adopting special needs children and improving placement rates of children in foster care.

Section 203. Amends section 204 of such act to require a study on adoption placements.

Section 204. Amends section 204 of such act requiring the Secretary to conduct research on adoption outcomes and the factors affecting those outcomes; and report on interjurisdictional adoption of foster children.

Section 205. Amends section 205(a) of such act regarding the authorization of appropriations under this subtitle.

TITLE III—ABANDONED INFANTS ASSISTANCE ACT OF 1988

Section 301. Amends section 2 of such act regarding the findings.

Section 302. Amends section 101 of such act to strike the section heading and make changes to the priority of services.

Section 303. Amends section 102 of such act regarding evaluations, studies and reports by the Secretary.

Section 304. Amends section 104 of such act regarding authorization of appropriations.

Section 305. Amends section 105 of such act pertaining to definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Section 401. Amends section 303(a)(2)(c) and section 303(a) of such act pertaining to state demonstration grants.

Section 402. Amends section 305(a) of such act pertaining to secretarial responsibilities.

Section 403. Amends section 306 of such act to make technical changes regarding evaluations.

Section 404. Amends section 308 of such act by striking subsection (g).

Section 405. Amends section 310(a) and 311(g) of such act pertaining to authorization of appropriations.

Section 406. Amends section 311 of such act by striking subsection (h).

Section 407. Amends section 312 of such act pertaining to evaluation and monitoring activities.

Section 408. Repeals section 313 of such act.

Section 409. Repeals section 315 of such act.

Section 410. Amends section 316(b) and (f) of such act regarding the national domestic violence hotline grant.

Section 411. Repeals section 317 of such act.

Section 412. Amends section 318(h) of such act to provide for the authorization of appropriations regarding demonstration grants for community initiatives and by striking subsection (i).

Section 413. Amends section 319(f) of such act to extend the authorization of the transitional housing assistance program.

Section 414. Amends sections 302(1), 303(a), 305(b)(2)(A), and 311(a) to make technical and conforming amendments.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. The purpose of H.R. 14 is to reauthorize and make amendments to the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA). The bill does not prevent legislative branch employees from receiving the benefits of this legislation.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 14 reauthorizes and makes amendments to the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA). As such, the bill does not contain any unfunded mandates.

STATEMENT OF OVERSIGHT FINDINGS AND
RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of Rule XIII and clause (2)(b)(1) of Rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET
OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of Rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of Rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 14 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 24, 2003.

Hon. JOHN A. BOEHNER,
*Chairman, Committee on Education and the Workforce, House of
Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 14, the Keeping Children and Families Safe Act of 2003.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 14—Keeping Children and Families Safe Act of 2003

Summary: Programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned infants Assistance Act of 1988 were authorized through 2001. These programs were continued in 2002 by the 2002 Department of Health and Human Services Appropriations Act and in 2003 by the Consolidated Appropriations Resolution, 2003 (Public Law 108–10). H.R. 14 would reauthorize these programs through 2008. It also would extend authorizations through 2008 for some programs authorized under the Family Violence Prevention and Services Act. Most programs under that act are currently authorized through 2005.

The bill would authorize appropriations of \$312 million in 2004. CBO estimates that authorizations under H.R. 14 would total about \$2.2 billion over the 2004–2008 period, assuming that annual levels are adjusted to keep pace with inflation when specific annual authorizations are not provided. (Without such inflation adjustments, the authorization total would be about \$2.1 billion over the 2004–2008 period.) CBO estimates that appropriations of the authorized levels would result in additional outlays of \$1.4 billion

over the 2004–2008 period, if inflation adjustments are included. Enacting H.R. 14 would not affect direct spending or receipts.

H.R. 14 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). A significant portion of the funds authorized by H.R. 14 would be available for grants to state, local, and tribal governments. Any costs those governments incur to fulfill requirements of the grants would be conditions of assistance and thus voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 14 is shown in Table 1. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 14, THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
With Adjustments for Inflation						
Spending Under Current Law:						
Budget Authority/Authorization Level ¹	263	183	183	0	0	0
Estimated Outlays	241	241	198	164	55	17
Proposed Changes						
Estimated Authorization Level	0	312	318	507	513	520
Estimated Outlays	0	33	165	272	442	494
Spending Under H.R. 14						
Estimated Authorization Level	263	495	501	507	513	520
Estimated Outlays	241	273	362	436	498	511
Without Adjustments for Inflation						
Spending Under Current Law						
Budget Authority/Authorization Level ¹	263	183	183	0	0	0
Estimated Outlays	241	241	198	164	55	17
Proposed Changes						
Estimated Authorization Level	0	312	312	495	495	495
Estimated Outlays	0	33	164	269	435	480
Spending Under H.R. 14						
Estimated Authorization Level	263	495	495	495	495	495
Estimated Outlays	241	273	362	433	490	498

¹ The 2003 level is the amount appropriated for that year for programs authorized under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment, and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention and Services Act. The amounts shown for 2004 and 2005 are current authorization levels for certain programs under the Family Violence Prevention and Services Act.

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

Basis of estimate: H.R. 14 would authorize funding through 2008 for various programs created under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention Services Act. Programs authorized under the first three acts would be reauthorized at specific levels for 2004 and for such sums as may be necessary for 2005 through 2008. Programs authorized by the Family Violence Prevention and Services Act, most of which are already authorized through 2005, would be extended at current levels through 2008.

H.R. 14 would authorize the appropriation of \$312 million in 2004. CBO estimates that this bill would authorize total funding of \$2.2 billion over the 2004–2008 period assuming that “such sums” amounts provided after 2004 are adjusted for inflation. If the au-

thorized amounts are appropriated, outlays would increase by \$33 million in the first year and by \$1.4 billion over the five-year period.

Table 2 presents CBO's estimates with inflation adjustments for the various components of each title under H.R. 14. The estimated outlays reflect historical rates of spending for the affected programs.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Title I of H.R. 14 would reauthorize and revise programs currently authorized under the Child Abuse Prevention and Treatment Act. H.R. 14 would authorize a total of \$200 million for 2004 for programs under title I. CBO estimates the total funding for title I for the 2004–2008 period would be about \$1 billion, assuming adjustments for inflation, with resulting outlays of \$619 million over those five years.

Child Abuse Prevention Programs. H.R. 14 would authorize \$120 million in 2004 for both the Child Abuse and Neglect State Grant program and the Child Abuse Discretionary Activities program provides formula grants to states to improve child protection services. The discretionary activities program awards funds to agencies for innovative programs and projects. The two programs are funded at \$56 million in 2003.

TABLE 2.—DETAILED EFFECTS OF H.R. 14, THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003, WITH ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority/Authorization Level ¹	263	183	183	0	0	0
Estimated Outlays	241	241	198	164	55	17
Proposed Changes:						
Title I—Child Abuse Prevention and Treatment						
Child Abuse Prevention State Grants and Discretionary Activities:						
Estimated Authorization Level	0	120	122	125	128	130
Estimated Outlays	0	6	59	97	114	121
Community Based Grants:						
Estimated Authorization Level	0	80	82	83	85	87
Estimated Outlays	0	6	19	44	73	81
Subtotal, Title I:						
Estimated Authorization Level	0	200	204	208	213	217
Estimated Outlays	0	12	77	142	186	202
Title II—Adoption Opportunities						
Adoption Opportunities:						
Estimated Authorization Level	0	40	41	42	43	33
Estimated Outlays	0	2	28	37	39	41
Title III—Abandoned Infants Assistance						
Abandoned Infants Assistance:						
Estimated Authorization Level	0	45	46	47	48	49
Estimated Outlays	0	2	33	43	46	48
Administrative Expenses for Abandoned Infants Assistance:						
Estimated Authorization Level	0	2	2	2	2	2
Estimated Outlays	0	2	2	2	2	2
Subtotal, Title III:						
Estimated Authorization Level	0	47	48	49	50	51
Estimated Outlays	0	4	36	46	49	50

TABLE 2.—DETAILED EFFECTS OF H.R. 14, THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003, WITH ADJUSTMENTS FOR INFLATION—Continued

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
Title IV—Family Violence Prevention and Services						
Family Violence Prevention and Services-Battered Women's Shelters: ²						
Estimated Authorization Level	0	0	0	175	175	175
Estimated Outlays	0	0	0	21	138	168
Domestic Violence Hotline: ²						
Estimated Authorization Level	0	0	0	2	2	2
Estimated Outlays	0	0	0	2	2	2
Demonstration Grants for Community Initiatives: ²						
Estimated Authorization Level	0	0	0	6	6	6
Estimated Outlays	0	0	0	1	4	5
Transitional Housing Assistance:						
Estimated Authorization Level	0	25	25	25	25	25
Estimated Outlays	0	15	24	24	25	25
Subtotal, Title IV:						
Estimated Authorization Level	0	25	25	208	208	208
Estimated Outlays	0	15	24	48	169	200
Total Proposed Changes:						
Estimated Authorization Level	0	312	318	507	513	520
Estimated Outlays	0	33	165	272	442	494
Total Spending Under H.R. 14:						
Estimated Authorization Level	263	495	501	507	513	520
Estimated Outlays	241	273	362	436	498	511

¹ The 2003 level is the amount appropriated for that year for programs authorized under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment, and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention and Services Act. The 2004 and 2005 amounts are current authorization levels for certain programs under the Family Violence Prevention and Services Act.

² The Family Violence Prevention and Services, Domestic Violence Hotline, and Demonstration Grants for Community Initiatives programs are currently authorized until 2005. Table 2 shows only new authorizations. See text for a description of authorizations.

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

Community Based Grants. H.R. 14 also would authorize \$80 million in 2004 and such sums as may be necessary over the 2005–2008 period for community-based and prevention focused programs and activities designed to prevent child abuse and neglect. The program is funded at \$33 million in 2003.

TITLE II—ADOPTION OPPORTUNITIES

Title II would reauthorize the Adoption Opportunities program, currently authorized under the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

The bill would authorize \$40 million in 2004 and such sums as may be necessary over the 2005–2008 period for the program. The Adoption Opportunities program provides funds to organizations for programs that eliminate barriers to adoption and help provide permanent homes for children, particularly children with special needs. These activities are funded at \$27 million in 2003.

TITLE III—ABANDONED INFANTS ASSISTANCE

Title III would reauthorize the Abandoned Infants Assistance program, currently authorized under the Abandoned Infants Assistance Act of 1988.

The bill would authorize \$45 million in 2004 and such sums as may be necessary for the next four fiscal years for the program. The Abandoned Infants Assistance program provides funds to organizations for programs that prevent abandonment of infants with HIV/AIDS, assist abandoned infants, and recruit and train foster

parents and health and social services professionals. The bill also would authorize about \$2 million in each fiscal year for administrative expenses. The program is funded at \$12 million in 2003.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Title IV would authorize \$25 million in 2004 and \$674 million over the 2004–2008 period for four family violence prevention programs that are currently authorized under the Family Violence Prevention and Services Act. The Family Violence Prevention and Services Act already authorizes most of these appropriations through 2005, and this bill would extend the authorizations through 2008.

Family Violence Prevention and Services/Battered Women's Shelters. The bill would extend the authorization of the Family Violence Prevention and Services/Battered Women's Shelter program from 2005 through 2008. The program provides grants to states to provide shelter and assistance for victims, and preventive services for perpetrators of domestic violence. The current authorization is \$175 million annually through 2005. The program is funded at \$126 million in 2003.

Domestic Violence Hotline. H.R. 14 would authorize \$2 million in each of the years 2006 through 2008 for the National Domestic Violence hotline. The hotline is a national toll-free telephone hotline that provides information and assistance to victims of domestic violence throughout the United States. The program is currently authorized at \$2 million annually through 2005 by the Family Violence Prevention and Services Act. The program received \$2.6 million in 2003.

Demonstration Grants for Community Initiatives. The bill would extend the authorization for grants for community initiatives through 2008. The program awards grants to organizations to coordinate domestic violence intervention and prevention programs in local communities. The program is currently authorized at \$6 million annually through 2005 and is funded at \$6 million in 2003.

Transitional Housing Assistance. H.R. 14 would authorize \$25 million in each of the fiscal years 2004 through 2008 for housing assistance for victims of domestic violence. The program was authorized at \$25 million for 2001, but the program has never been funded.

Intergovernmental and private-sector impact: H.R. 14 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would authorize the appropriation of \$312 million in grants in 2004 (\$2.2 billion over the 2004–2008 period), and a significant portion of those funds would be available to state, local, and tribal governments. Any costs those governments incur to fulfill requirements of the grants would be conditions of assistance and thus voluntary.

Previous CBO estimate: On February 24, 2003, CBO transmitted a cost estimate for S. 342, the Keeping Children and Families Safe Act of 2003, as ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on February 12, 2003. The two bills would authorize similar amounts of funding.

Estimate prepared by: Federal costs: Donna Wong, impact on State, Local, and Tribal Governments: Greg Waring, impact on the private sector: Kate Bloniarz.

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

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House Rule XIII, the goal of H.R. 14 is to authorize federal assistance helping to prevent child abuse and family violence and protecting and treating abused and neglected children and victims of family violence. The bill also focuses on maintaining local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to child abandonment. The Committee expects the Department of Health and Human Services to comply with H.R. 14 and implement the changes to the law in accordance with the changes.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 14. The Committee believes that the amendments made by this bill, which authorize appropriations for the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA), are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 14. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHILD ABUSE PREVENTION AND TREATMENT ACT

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Child Abuse Prevention and Treatment Act”.

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
 Sec. 2. Findings.

TITLE I—GENERAL PROGRAM

Sec. 101. Office on Child Abuse and Neglect.

* * * * *

【Sec. 105. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.】

Sec. 105. *Grants to States and public or private agencies and organizations.*

* * * * *

【TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS】

TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT

Sec. 201. Purpose and authority.

* * * * *

【Sec. 204. Existing grants.】

* * * * *

SEC. 2. FINDINGS.

Congress finds that—

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

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

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

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

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

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

【(2) many of these children and their families fail to receive adequate protection or treatment;】

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

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

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

【(3)】 (5) the problem of child abuse and neglect requires a comprehensive approach that—

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

* * * * *

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

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

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

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

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

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

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

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

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

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

(A) * * *

* * * * *

TITLE I—GENERAL PROGRAM

* * * * *

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

(a) * * *

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

(1) maintain, coordinate, and disseminate information on [all programs, including private programs, that show promise of

success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect; and **all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;**

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

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

(A) * * *

* * * * *

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

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

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

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

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

(5) *collect and disseminate information relating to various training resources available at the State and local level to—*

(A) *individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and*

(B) *appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.*

(c) COORDINATION WITH AVAILABLE RESOURCES.—

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

(A) * * *

* * * * *

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

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

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

* * * * *

SEC. 104. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—

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

improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on—

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

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

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

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

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

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

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

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

[(D)] (I) the national incidence of child abuse and neglect, including—

(i) * * *

* * * * *

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

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

[(ix)] (x) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system.

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

(3) *REPORT.*—*Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).*

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

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

[(i)] publish proposed priorities in the Federal Register for public comment; and

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

(B) *Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.*

(b) *PROVISION OF TECHNICAL ASSISTANCE.*—

(1) *IN GENERAL.*—The Secretary shall provide technical assistance to State and local public and [nonprofit private agencies and] *private agencies and community-based* organizations, including disability organizations and persons who work with children with disabilities, to assist such agencies and organizations in planning, improving, developing, and carrying out programs and activities, *including replicating successful program models*, relating to the prevention, assessment, identification, and treatment of child abuse and neglect.

(2) *EVALUATION.*—Such technical assistance may include an evaluation or identification of—

(A) * * *

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

(C) effective programs carried out by the States under titles I and II[.]; and

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect^[1];

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

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

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

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

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

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

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

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

(ii) the parents of such infants.

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

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

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

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

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

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

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

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

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

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

[(B) **KINSHIP CARE.**—]

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

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

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

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

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

number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.

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

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

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

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

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

(4)(A) * * *

* * * * *

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

(i) * * *

* * * * *

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

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

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

(1) * * *

* * * * *

(3) case management, *including ongoing case monitoring, and delivery of services and treatment provided to children and their families;*

(4) enhancing the general child protective system by [improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems] *developing, improving, and implementing risk and safety assessment tools and protocols;*

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

[(5)] *(6) developing, strengthening, and facilitating training [opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system] including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals;*

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

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

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

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

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

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

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

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

[(i)] *existing social and health services;*

[(ii)] *financial assistance; and*

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

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

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

(A) existing social and health services;

(B) financial assistance; and

(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;

[(9)] *(12) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level[.];*

(13) *supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or*

(14) *supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.*

(b) ELIGIBILITY REQUIREMENTS.—

(1) STATE PLAN.—

(A) * * *

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

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

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

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

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

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

(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that

such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;

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

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

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

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

[(v)] (vii) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

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

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

* * * * *

(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

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

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

[(viii)] (xi) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their case-work files to assist in future risk and safety assessment;

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

(I) * * *

* * * * *

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

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

(I) * * *

* * * * *

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

(I) * * *

* * * * *

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

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

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

(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

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

(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act; and

(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;

Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.

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

(c) CITIZEN REVIEW PANELS.—

(1) * * *

* * * * *

(4) FUNCTIONS.—

(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the policies **【and procedures】**, procedures, and practices of State and local agencies and where appropriate, specific cases, evaluate the extent to which **【the agencies】** State and local child protec-

tion system agencies are effectively discharging their child protection responsibilities in accordance with—

(i) * * *

* * * * *

(iii) any other criteria that the panel considers important to ensure the protection of children, including—

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

* * * * *

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

* * * * *

(6) *REPORTS.*—Each panel established under paragraph (1) shall prepare and make available to the State and the public, on an annual basis, a report containing a summary of the activities of the panel and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system.

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

(1) * * *

* * * * *

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

(14) *The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.*

* * * * *

SEC. 108. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

(a) * * *

* * * * *

(d) *SENSE OF CONGRESS.*—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who

participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.

* * * * *

SEC. 110. REPORTS.

(a) * * *

* * * * *

(c) *STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—*

(1) *STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).*

(2) *REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).*

* * * * *

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.—**

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

(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title \$120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.

(2) DISCRETIONARY ACTIVITIES.—

(A) * * *

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

* * * * *

[TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS]

TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT

SEC. 201. PURPOSE AND AUTHORITY.

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

[(1) to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that coordinate resources among existing education, vocational rehabilitation,

disability, respite care, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State; and

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

* * * * *

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

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

(A) * * *

* * * * *

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

[(G) decrease the risk of homelessness;]

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

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

* * * * *

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

* * * * *

SEC. 202. ELIGIBILITY.

A State shall be eligible for a grant under this title for a fiscal year if—

(1)(A) the chief executive officer of the State has designated a lead entity to administer funds under this title for the pur-

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

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

(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

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

(B) direction [to the network] through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers, *and parents with disabilities*; and

(C) direction and oversight [to the network] through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

(3) the chief executive officer of the State provides assurances that the lead entity—

(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the [Statewide network of community-based, prevention-focused, family resource and support programs] *community-based and prevention-focused programs and activities to*

prevent child abuse and neglect (through networks where appropriate);

(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the **Statewide network of community-based, prevention-focused, family resource and support programs** *community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate);*

(C) has the capacity to provide operational support (both financial and programmatic) **and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs** *training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate),* through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

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

SEC. 203. AMOUNT OF GRANT.

(a) * * *

(b) REMAINING AMOUNTS.—

(1) IN GENERAL.—The Secretary shall allot the amount appropriated under section 210 for a fiscal year and remaining after the reservation under subsection (a) among the States as follows:

(A) * * *

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

* * * * *

[SEC. 204. EXISTING GRANTS.

[(a) IN GENERAL.—Notwithstanding the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of the enactment of such Act under any program described in subsection (b), shall continue to receive funds under

such program, subject to the original terms under which such funds were provided under the grant, through the end of the applicable grant cycle.

[(b) PROGRAMS DESCRIBED.—The programs described in this subsection are the following:

[(1) The Community-Based Family Resource programs under section 201 of this Act, as such section was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

[(2) The Family Support Center programs under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.), as such title was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

[(3) The Emergency Child Abuse Prevention Services grant program under section 107A of this Act, as such section was in effect on the day before the date of the enactment of the Human Services Amendments of 1994.

[(4) Programs under the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986.]

SEC. 205. APPLICATION.

A grant may not be made to a State under this title unless an application therefor is submitted by the State to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section 202, including—

(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the [Statewide network of community-based, prevention-focused, family resource and support programs] *community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)* which meets the requirements of section 202;

(2) a description of how the [network of community-based, prevention-focused, family resource and support programs] *community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)* will operate and how family resource and support services provided by public and private, nonprofit organizations[, including those funded by programs consolidated under this Act,] will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

[(3) an assurance that an inventory of current family resource programs, respite care, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;]

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

(4) a budget for the development, operation and expansion of the [State's network of community-based, prevention-focused,

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

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

* * * * *

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

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

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

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

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

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

SEC. 206. LOCAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, [prevention-focused, family resource and support programs] *and prevention-focused programs and activities designed to prevent child abuse and neglect* that—

(1) * * *

* * * * *

(3) provide—

(A) core **family resource and support services** *family support services for the prevention of child abuse and neglect* such as—

(i) * * *

* * * * *

(iii) community and social service referrals; **and**

(iv) follow-up services;

(v) *respite care*;

(vi) *home visiting*; and

(vii) *family support services*;

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

* * * * *

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

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

* * * * *

SEC. 207. PERFORMANCE MEASURES.

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

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

* * * * *

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

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

(4) shall describe the number of families served, including families with children with disabilities, *and parents with disabilities*, and the involvement of a diverse representation of families in the design, operation, and **[evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family re-**

source and support programs that are part of the Statewide network funded under this title] *evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs;*

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

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

* * * * *

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

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

The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State—

(1) * * *

* * * * *

(3) to fund a yearly symposium on State system change efforts that result from the operation of the [Statewide networks of community-based, prevention-focused, family resource and support programs] *community-based and prevention-focused programs and activities designed to prevent child abuse and neglect;*

* * * * *

SEC. 209. DEFINITIONS.

For purposes of this title:

(1) CHILDREN WITH DISABILITIES.—The term “children with disabilities” has the same meaning [given such term in section 602(a)(2)] *given the term “child with a disability” in section 602(3) or “infant or toddler with a disability” in section 632(5) of the Individuals with Disabilities Education Act.*

* * * * *

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

[(A) provides, through direct service, the core services required under this title, including—

[(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

[(ii) services to facilitate the ability of parents to serve as resources to one another (such as through mutual support and parent self-help groups);

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

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

[(v) follow-up services;

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

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

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

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

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

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

[(v) child abuse and neglect prevention activities;

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

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

[(viii) peer counseling;

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

[(x) help line services.

[(4) OUTREACH SERVICES.—The term “outreach services” means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.】

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

other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.

[(5)] (4) RESPITE CARE SERVICES.—The term “respite care services” means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—
(A) * * *

* * * * *

[SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.

CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

* * * * *

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Congress finds that—

[(1)] (1) the number of children in substitute care increased by nearly 61 percent between 1986 and 1994, as our Nation’s foster care population included more than 452,000 as of June 1994;

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

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

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

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

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

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

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

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

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

(5)(A) *currently, there are 131,000 children waiting for adoption;*

* * * * *

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

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

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

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

(1) * * *

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

* * * * *

[INFORMATION AND SERVICES

[SEC. 203. (a) The Secretary]

SEC. 203. INFORMATION AND SERVICES.

(a) *IN GENERAL.*—*The Secretary* shall establish in the Department of Health and Human Services an appropriate administrative arrangement to provide a centralized focus for planning and coordinating of all departmental activities affecting adoption and foster care and for carrying out the provisions of this title. The Secretary shall make available such consultant services, on-site technical assistance and personnel, together with appropriate administrative expenses, including salaries and travel costs, as are necessary for carrying out such purposes, including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs.

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

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

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

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

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

* * * * *

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

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

* * * * *

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

(A) * * *

* * * * *

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

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

(A) which may include such activities as—

(i) * * *

* * * * *

(vi) training of personnel of—

(I) public agencies;

(II) private **[nonprofit]** child welfare and adoption agencies that are licensed by the State; and

* * * * *

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

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

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

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

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

[(c)(1) The Secretary]

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

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

[(2) Services]

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

(A) individual counseling;

(B) group counseling;

(C) family counseling;

(D) case management;

(E) training public agency adoption personnel, personnel of private, **[nonprofit]** child welfare and adoption agencies licensed by the State to provide adoption services, mental health services professionals, and other support personnel to provide services under this subsection;

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

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

(H) day treatment; and

(I) respite care.

[(d)(1) The Secretary]

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

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

[(2)(A) Each State]

(2) *APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.*—

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

[(B) The Secretary]

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

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

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

[(3)(A) Payments]

(3) *PAYMENTS.*—

(A) *IN GENERAL.*—*Payments* under this subsection shall begin during fiscal year 1989. Payments under this section during any fiscal year shall not exceed \$1,000,000. No payment may be made under this subsection unless an amount in excess of \$5,000,000 is appropriated for such fiscal year under section 205(a).

[(B) Any payment]

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

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

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

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

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

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

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

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

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

STUDY OF UNLICENSED ADOPTION PLACEMENTS

SEC. 204. [The] (a) *IN GENERAL.*—*The Secretary shall provide for a study (the results of which shall be reported to the appropriate committees of the Congress not later than eighteen months after the date of enactment [of this Act] of the Keeping Children and Families Safe Act of 2003) designed [to determine the nature] to determine—*

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

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

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

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

(b) **DYNAMICS OF SUCCESSFUL ADOPTION.**—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

(c) **INTERJURISDICTIONAL ADOPTION.**—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary, in consultation with the Comptroller General, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. [(a) There are authorized to be appropriated, \$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized.] (a) *There are authorized to be appropriated \$40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.*

* * * * *

ABANDONED INFANTS ASSISTANCE ACT OF 1988

* * * * *

SEC. 2. FINDINGS.

The Congress finds that—

[(1) throughout the Nation, the number of infants and young children who have been exposed to drugs taken by their mothers during pregnancy has increased dramatically;]

[(2)] (1) *studies indicate that a number of factors contribute to the inability of some parents [who abuse drugs] to provide adequate care for [such] their infants and young children and a lack of suitable shelter homes for such infants and young children have led to the abandonment of such infants and young children in hospitals for extended periods;*

[(3)] (2) *an unacceptable number of these infants and young children will be medically cleared for discharge, yet remain in hospitals as boarder babies;*

[(4)] (3) *hospital-based child care for these infants and young children is extremely costly and deprives them of an adequate nurturing environment;*

[(5)] (4) *training is inadequate for foster care personnel working with medically fragile infants and young children and infants and young children exposed to drugs;]*

(4) *appropriate training is needed for personnel working with infants and young children with life-threatening conditions and*

other special needs, including those who are infected with the human immunodeficiency virus (commonly known as "HIV"), those who have acquired immune deficiency syndrome (commonly known as "AIDS"), and those who have been exposed to dangerous drugs;

[(6) a particularly devastating development is the increase in the number of infants and young children who are infected with the human immunodeficiency virus (which is believed to cause acquired immune deficiency syndrome and which is commonly known as HIV) or who have been perinatally exposed to the virus or to a dangerous drug;

[(7) many such infants and young children have at least one parent who is an intravenous drug abuser;]

[(8)] (5) such infants and young children are particularly difficult to place in foster homes, and are being abandoned in hospitals in increasing numbers by mothers dying of acquired immune deficiency syndrome, *by parents abusing drugs*, or by parents incapable of providing adequate care;

[(9)] (6) there is a need for [comprehensive services for such infants and young children, including foster family care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services;] *comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services;*

[(10)] (7) there is a need to support the families of such infants and young children through the provision of services that will prevent the abandonment of the infants and children; and

[(11) there is a need for the development of funding strategies that coordinate and make the optimal use of all private resources, and Federal, State, and local resources, to establish and maintain such services.]

(8) *Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.*

TITLE I—PROJECTS REGARDING ABANDONMENT OF INFANTS AND YOUNG CHILDREN IN HOSPITALS

[SEC. 101. ESTABLISHMENT OF PROGRAM OF DEMONSTRATION PROJECTS.]

SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS.

(a) * * *

[(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that, in carrying out the purpose described in subsection (a) (other than with respect to paragraph (6) of such sub-

section), the applicant will give priority to abandoned infants and young children—

[(1) who are infected with the human immunodeficiency virus or who have been perinatally exposed to the virus; or

[(2) who have been perinatally exposed to a dangerous drug.]

(b) *PRIORITY IN PROVISION OF SERVICES.*—*The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—*

(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

(2) have been perinatally exposed to a dangerous drug.

[SEC. 102. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.]

[(a) *EVALUATIONS OF DEMONSTRATION PROJECTS.*—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as result of such projects.

[(b) *DISSEMINATION OF INFORMATION TO INDIVIDUALS WITH SPECIAL NEEDS.*—

[(1)(A) The Secretary may enter into contracts or cooperative agreements with public or nonprofit private entities for the development and operation of model projects to disseminate the information described in subparagraph (B) to individuals who are disproportionately at risk of dysfunctional behaviors that lead to the abandonment of infants or young children.

[(B) The information referred to in subparagraph (A) is information on the availability to individuals described in such subparagraph, and the families of the individuals, of financial assistance and services under Federal, State, local, and private programs providing health services, mental health services, educational services, housing services, social services, or other appropriate services.

[(2) The Secretary may not provide a contract or cooperative agreement under paragraph (1) to an entity unless—

[(A) the entity has demonstrated expertise in the functions with respect to which such financial assistance is to be provided; and

[(B) the entity agrees that in disseminating information on programs described in such paragraph, the entity will give priority—

[(i) to providing the information to individuals described in such paragraph who—

[(I) engage in the abuse of alcohol or drugs, who are infected with the human immunodeficiency virus, or who have limited proficiency in speaking the English language; or

[(II) have been historically underserved in the provision of the information; and

[(ii) to providing information on programs that are operated in the geographic area in which the individuals involved reside and that will assist in eliminating

or reducing the extent of behaviors described in such paragraph.

[(3) In providing contracts and cooperative agreements under paragraph (1), the Secretary may not provide more than 1 such contract or agreement with respect to any geographic area.

[(4) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a contract or cooperative agreement under paragraph (1) shall be for a period of 3 years, except that the Secretary may terminate such financial assistance if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the assistance.

[(c) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

[(1) The Secretary shall conduct a study for the purpose of determining—

[(A) an estimate of the number of infants and young children abandoned in hospitals in the United States and the number of such infants and young children who are infants and young children described in section 101(b); and

[(B) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for such infants and young children.

[(2) Not later than April 1, 1992, the Secretary shall complete the study required in paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

[(d) STUDY AND REPORT ON EFFECTIVE CARE METHODS.—

[(1) The Secretary shall conduct a study for the purpose of determining the most effective methods for responding to the needs of abandoned infants and young children.

[(2) The Secretary shall, not later than April 1, 1991, complete the study required in paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

[SEC. 103. DEFINITIONS.

[For purposes of this title:

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

[(2) The term “dangerous drug” means a controlled substance, as defined in section 102 of the Controlled Substances Act.

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

SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

(a) *EVALUATIONS OF LOCAL PROGRAMS.*—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

(b) *STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.*—

(1) *IN GENERAL.*—The Secretary shall conduct a study for the purpose of determining—

(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

(B) an estimate of the annual number of infants and young children who are victims of homicide;

(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

(2) *DEADLINE.*—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

(c) *EVALUATION.*—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.

SEC. 103. DEFINITIONS.

For purposes of this Act:

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

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

(3) The term “dangerous drug” means a controlled substance, as defined in section 102 of the Controlled Substances Act.

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

(5) The term “Secretary” means the Secretary of Health and Human Services.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**[(a) IN GENERAL.—**

[(1) For the purpose of carrying out this title (other than section 102(b)), there are authorized to be appropriated \$35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.

[(2)(A) Of the amounts appropriated under paragraph (1) for any fiscal year in excess of the amount appropriated under this subsection for fiscal year 1991, as adjusted in accordance with subparagraph (B), the Secretary shall make available not less than 50 percent for grants under section 101(a) to carry out projects described in paragraph (8) of such section.

[(B) For purposes of subparagraph (A), the amount relating to fiscal year 1991 shall be adjusted for a fiscal year to a greater amount to the extent necessary to reflect the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with March of the preceding fiscal year.

[(3) Not more than 5 percent of the amounts appropriate under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).

[(b) DISSEMINATION OF INFORMATION FOR INDIVIDUALS WITH SPECIAL NEEDS.—For the purpose of carrying out section 102(b), there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1992 through 1995.]

(a) IN GENERAL.—

(1) AUTHORIZATION.—*For the purpose of carrying out this Act, there are authorized to be appropriated \$45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.*

(2) LIMITATION.—*Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).*

[(c)] (b) ADMINISTRATIVE EXPENSES.—

(1) AUTHORIZATION.—For the purpose of the administration of this title by the Secretary, there is authorized to be appropriated for each fiscal year specified in subsection (a)(1) an amount equal to 5 percent of the amount authorized in such subsection to be appropriated for the fiscal year. With respect to the amounts appropriated under such subsection, the preceding sentence may not be construed to prohibit the expenditure of the amounts for the purpose described in such sentence.

(2) LIMITATION.—The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the amounts appropriated under subsection (a)(1) for the fiscal year, the Secretary has obligated for the purpose described in such paragraph an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year **[1991]** 2003.

[(d)] (c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

* * * * *

FAMILY VIOLENCE PREVENTION AND SERVICES ACT

* * * * *

DECLARATION OF PURPOSE

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

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

* * * * *

STATE DEMONSTRATION GRANTS AUTHORIZED

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

- (2) No grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) * * *

* * * * *

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

* * * * *

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

* * * * *

- (4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.

- (5) *Upon completion of the activities funded by a grant under this title, the State grantee shall submit to the Secretary a report that*

contains a description of the activities carried out under paragraph (2)(B)(i).

* * * * *

SECRETARIAL RESPONSIBILITIES

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

(b) The Secretary shall—

(1) * * *

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

* * * * *

EVALUATION

SEC. 306. **[Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter,]** *Every 2 years*, the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this title, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the documentation

provided to the Secretary under section 303(a)(2)(B) through 303(a)(2)(F).

* * * * *

SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

(a) * * *

* * * * *

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

* * * * *

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

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

(a) *IN GENERAL.—There are authorized to be appropriated to carry out this title \$175,000,000 for each of the fiscal years 2004 through 2008.*

* * * * *

SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

(a) IN GENERAL.—The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

(1) * * *

(2) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

(A) * * *

* * * * *

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

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

(A) * * *

* * * * *

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

* * * * *

(H) the implementation of **[supervised visitations that do not endanger victims and their children]** *supervised visitations or denial of visitation to protect against danger to victims or their children*; and

* * * * *

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

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

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

ADMINISTRATION AND STATUTORY CONSTRUCTION

SEC. 312. (a) * * *

* * * * *

(c) *Of the amount appropriated under section 310(a) for each fiscal year, not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.*

[FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT

[SEC. 313. The Secretary shall, directly or by grant or contract—

[(1) develop data on the individual develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced;

[(2) provide for the objective documentation of data on the victims of family violence and their dependents based on injuries that are brought to the attention of domestic violence shelter, hospital, social service, or law enforcement personnel, whether or not formal civil or criminal action is taken; and

[(3) provide assurances that procedures will be developed to guarantee the confidentiality of records pertaining to any individual for whom data are compiled through this subsection.]]

* * * * *

[SEC. 315. MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

[(a) IN GENERAL.—The Secretary, in cooperation with the Attorney General, shall award grants to not more than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

[(1) increase the number of prosecutions for domestic violence crimes;

[(2) encourage the reporting of incidences of domestic violence; and

[(3) facilitate “arrests and aggressive” prosecution policies.

[(b) DESIGNATION AS MODEL STATE.—To be designated as a model State under subsection (a), a State shall have in effect—

[(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

[(2) a law or policy that discourages “dual” arrests;

[(3) statewide prosecution policies that—

[(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

[(B) implement model projects that include either—

[(i) a “no-drop” prosecution policy; or

[(ii) a vertical prosecution policy; and

[(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

[(4) statewide guidelines for judges that—

[(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

[(B) discourage custody or joint custody orders by spouse abusers; and

[(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute; and

[(5) develop and disseminate methods to improve the criminal justice system’s response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

[(c) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section \$25,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

[(2) LIMITATION.—A grant may not be made under this section in an amount less than \$2,000,000.

[(3) DELEGATION AND TRANSFER.—The Secretary shall delegate to the Attorney General the Secretary’s responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.】

SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) * * *

(b) DURATION.—【A grant】

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

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

(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in para-

graph (1) and contains any other information as the Secretary may prescribe; and

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

* * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years [2001 through 2005] 2004 through 2008.

* * * * *

[SEC. 317. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

[(a) GENERAL PURPOSE.—For purposes of this section, the Secretary may, in consultation with the Secretary of Education, select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

[(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in consultation with educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers.

[(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$400,000 for fiscal year 1996.]

SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) * * *

* * * * *

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$6,000,000 for each of the fiscal years 2004 through 2008.

SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

(a) * * *

* * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for **■**fiscal year 2001**■** *each of the fiscal years 2004 through 2008*.

* * * * *

ADDITIONAL MINORITY VIEWS

Protecting children from harm

When asked about the balance between protecting children and protecting “parents’ rights” in a Subcommittee hearing on October 17, 2001, Assistant Secretary of HHS, Wade Horn, responded that a delicate balance was necessary and that within the context of CAPTA, “the balance was adequate.” Despite Dr. Horn’s expressed satisfaction on this issue, the Majority insisted on pursuing the matter within CAPTA reauthorization. Based on individual case studies, the Majority believes that child protective systems personnel routinely and aggressively ignore “parental rights” in investigating potential cases of child abuse or neglect. However, the Majority has not provided scientific evidence for this assertion. We know of no valid, scientifically sound studies and no data to suggest widespread inappropriately “aggressive” investigations by child protective services personnel. In fact, discussions with practitioners and recognized experts in the field of child welfare contradict the claim that child protective systems frequently violated parental rights as described by the Majority.

In an effort to negotiate a bipartisan bill, the Minority worked with the Majority to develop language that might address the Majority’s wishes without compromising the safety of children. The result of the negotiations was agreement on a provision requiring states to have policies and procedures that require social workers, at the initial time of contact, to advise individuals who are the subject to a child abuse and neglect investigation, of the complaints or allegations made against them. The agreed upon goal of this provision is for caseworkers to inform individuals being investigated for child maltreatment of the types of allegation being made. Child welfare experts report that child protective service personnel are currently trained to disclose whether a parent (for example) is suspected of physical abuse versus sexual abuse versus neglect, so this provision clarifies existing practice. This provision should not be interpreted to require caseworkers convey any information that could compromise the safety of the child or to reveal information that could provide identifying information that may reveal the source of the allegation or compromise the investigation.

The Minority strongly encourages states to place greater effort and emphasis on promoting best practices training and supervision of child protection system personnel, regarding all aspects of investigation, intervention, treatment and reunification. Inclusion of the provision regarding training on parental rights should not lead states to place undue emphasis on this aspect of caseworker training. Inappropriate emphasis on protecting the rights of parents should not outweigh the rights of children not to be abused, neglected or murdered. The Minority believes that improved caseworker training and oversight is critically important to the safety

of our country's children and the well-being of our country's families, and that the most appropriate way to address the Majority's concerns is through helping states provide better training and case management of child protective service personnel rather than prescriptive requirements from the federal government about what caseworkers should say in their investigations of child abuse and neglect. Appropriate and responsive casework is one of the most important factors in keeping children safe and in keeping families together, where appropriate, and the Minority hopes states will work to improve this aspect of their child welfare systems.

Improving child protective services for children with disabilities and health problems

There are approximately three million reports of child abuse every year. Of these 3 million, nearly 1 million are substantiated. It is estimated that children with disabilities are almost four times more likely to be victims of abuse and neglect than children without disabilities. A 1993 study by the Office of Child Abuse and Neglect found that 36 percent of the substantiated cases of child maltreatment, or about 300,000 children, caused disabilities in those children. Near-fatal child maltreatment leaves 18,000 children permanently disabled each year. Identification and treatment of the medical, developmental and mental health problems of children have been shown to decrease the amount of time a child spends in out of home placement and increase chances for a stable living situation. Unfortunately, less than half of the children who are abused or neglected receive any services at all.

To address these gaps in service, the bill requires the state child welfare system to develop policies and procedures involving abused or neglected children under the age of 3 to be referred to the statewide early intervention system funded under Part C of the Individuals with Disabilities Education Act. Such policies and procedures will ensure that abused children can access the early intervention services and supports for which they are eligible. Such services will help these children learn, grow and thus enter school ready to learn.

Related to this issue is the importance of health screenings and treatment for children who are victims of child abuse and neglect. Children in the child welfare system are at higher risk for health problems than other children for a variety of reasons, including risks for child maltreatment are also risks of child health problems and because child abuse often causes disabilities. Appropriate health and developmental evaluations and treatment can greatly influence healthy child development and can affect treatment and family preservation, such as preventing the need for out-of-home placements. A 1995 GAO study concluded that systemic and direct service barriers prevent many children in the welfare system from receiving adequate health care. H.R. 14 takes many steps to help states address this problem and improve services for victims of child abuse and neglect by promoting linkages between child protection and health care (including mental health) agencies.

Improving the Child Protective Service System (CPS) infrastructure

H.R. 14 recognizes that CAPTA can fill an important role in the federal response to protecting children and preventing child maltreatment. To this end, H.R. 14 adds to the permitted uses of the basic state grants to enable states to improve their CPS systems, through CAPTA grant support, in a variety of activities essential to a responsive, efficient and appropriate protective service system. In addition to the purposes for basic state grants in current law which address CPS improvements, H.R. 14 allows CAPTA funds to be available to address the following issues:

CPS staffing: to improve upon the supervision of casework in CPS; to enhance the recruitment and retention of child protection workers; and to promote training for child protective service work.

Case management: to promote on-going case monitoring and service delivery; to enhance the ability to assess cases; to improve upon the management of case information; and to help states develop better databases for information.

Linkages: to promote partnerships between CPS and private, community-based services; and to develop connections with health, education and juvenile justice services to better serve abused and neglected children.

Public education: to improve upon the public's understanding about the role and responsibilities of CPS; and to inform the public about appropriate reporting of suspected incidents of child maltreatment.

Our nation's current system of protecting children is heavily weighted toward protecting children who have been so seriously maltreated they are no longer safe at home and must be placed in foster care or adoptive homes. These are children whose safety is in danger; they demand our immediate attention. Unfortunately, far less attention is directed at preventing harm to these children from happening in the first place, or providing the appropriate services and treatment needed by families and children victimized by abuse or neglect. Through the changes made by H.R. 14, CAPTA can serve to assist in the improvement of the CPS infrastructure. Through the CAPTA basic state grant program, the federal government has the opportunity to step up to a leadership role in providing support for the CPS system infrastructure and to begin to rectify the imbalance in the federal government's response to the abuse and neglect of children.

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