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CAPTA REAUTHORIZATION ACT OF 2010

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DECEMBER 18, 2010.—Ordered to be printed

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Mr. HARKIN, from the Committee on Health, Education, Labor and Pensions, submitted the following

R E P O R T

[To accompany S. 3817]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 3817) to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

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I. PURPOSE AND SUMMARY OF THE BILL

It is the purpose of the CAPTA Reauthorization Act of 2010 to renew, improve, and strengthen the Child Abuse Prevention and Treatment Act, the Adoption Opportunities Act, the Family Violence Prevention and Services Act, and the Abandoned Infants Assistance Act. The bill reauthorizes all programs from fiscal year 2011 through fiscal year 2015. On September 22, 2010, a bill to reauthorize these acts was introduced by Senators Dodd, Harkin, and Enzi. The bill, S. 3817, was referred to the Senate Committee on Health, Education, Labor, and Pensions. The bill was passed out of

committee on December 1, 2010. The CAPTA Reauthorization Act of 2010 is intended to strengthen and support families with children; to protect children from abuse, neglect and maltreatment; improve services for victims of and children exposed to domestic violence; improve adoption assistance; and strengthen assistance for abandoned infants.

## II. BACKGROUND AND NEED FOR LEGISLATION

Child abuse and neglect continue to be significant problems in the United States. Each year an estimated 794,000 children are victims of child abuse or neglect. In its Child Maltreatment 2008 report on child abuse and neglect, the U.S. Department of Health and Human Services reported that, each year, 141,700 children are seriously injured as a result of abuse or neglect, 18,000 are severely disabled, and 1,760 children die as a result of abuse or neglect. Children younger than 6 years of age accounted for 76 percent of child fatalities and children younger than 1 year of age accounted for 42 percent of child fatalities.

Approximately 3.3 million referrals concerning the welfare of about 6 million children were made to Child Protect Services (CPS) agencies throughout the country in 2008. Of these referrals, an estimated 1.5 million children were screened-in for further assessment and investigation. Of this amount, approximately 794,000 were found to be victims of child maltreatment, with 71.1 percent suffering from neglect; 16.1 percent from physical abuse; 9.1 percent from sexual abuse; 7.3 percent from psychological maltreatment; 2.2 percent from medical neglect; and 9 percent from some other form of maltreatment.

Additionally, there continues to be disproportionate representation of older, African-American, and disabled children and youth in foster care. Presently, there are more than 420,000 children in foster care, and a disproportionate number of these children are African-American. Despite representing less than 15 percent of the U.S. population under the age of 18, African-American children comprise more than 30 percent of the children who were in foster care on the last day of fiscal year 2009.

Similarly, older youth are disproportionately represented in the foster care system. Youth age 14 to 17 years represent 23 percent of the national under age 18 population but in 2009 youth ages 14 to 17 represented 30 percent of children in foster care under age 18. Children and youth with disabilities are also disproportionately reported in the child welfare system.

Approximately 2.3 million people each year in the United States are physically assaulted and/or raped by a current or former spouse or partner. The effects of that violence are felt on every level of society. The health-related costs of intimate partner violence in the United States are \$5.8 billion each year (Centers for Disease Control, 2003) and costs employers between \$3 and \$13 billion in lost productivity each year (Centers for Disease Control, 2003). Men exposed to physical abuse, sexual abuse, and domestic violence as children are almost four times more likely than other men to have perpetrated domestic violence as adults (Journal of Interpersonal Violence, 2003).

Victims of family violence need several sources of support to reestablish safety for themselves and their children. Shelter is critical.

Shelters for abused women were first established in 1975. The number of shelters for domestic violence victims in the United States has increased significantly from 4 to over 1,500 and nearly all survivors in shelters (99 percent) reported they got the help they wanted with their own safety and safety planning (95 percent) (National Institutes of Justice, 2008). However, it has been estimated by the Department of Health and Human Services that 247,000 victims and their children were turned away in 2007–2008 because shelters were full or programs lacked resources. Shelters and transitional housing also play a crucial role in linking victims to appropriate services such as transportation, counseling, advocacy and other casework assistance. Without access to such supports, women continue to face the dilemma of living amidst violence or forgoing their economic livelihood and a place to live.

One of the most significant negative impacts of domestic violence is its impact on children. Studies have shown that child abuse occurs in 30–60 percent of domestic violence cases in families where there are children (Edleson, 1999). Approximately 15.5 million children are exposed to domestic violence each year, according to the *Journal of Family Psychology* in 2006. Too often service providers who encounter children in domestic violence situations are unable to provide appropriate services to those children. The need for positive intervention to help children is clear.

Research shows that children who are exposed to domestic violence are at a greater risk of developing psychiatric disorders, developmental problems, school failure, violence against others, and low self-esteem (U.S. Preventive Services Task Force, 2004.) Research has also clearly concluded that children from violent homes struggle more in school. They have higher incidences of impaired concentration, poor school attendance, being labeled an under-achiever, and difficulties in cognitive and academic functioning. And, according to the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, as many as 40 percent of violent juvenile offenders come from homes where there is domestic violence. Witnessing domestic violence has also been found to be the best predictor for becoming a perpetrator of domestic violence as an adult. (Osofsky and Fenichel, 2000).

Accordingly, the committee feels that States as well as individuals and entities focused on preventing and responding to these challenges, must have the resources and capacity to do so.

### III. LEGISLATIVE HISTORY AND COMMITTEE ACTION

#### Title I—CAPTA

The first Federal programs specifically designed to address concerns regarding child abuse and neglect in this country were authorized under the Child Abuse Prevention and Treatment Act (Public Law 93–247), enacted in 1974. This legislation provided Federal financial assistance for identifying, preventing, and treating child abuse and neglect. The act has since been amended numerous times to improve the law. The Family Violence Prevention and Services Act, the Adoption Opportunities Act, and the Abandoned Infants Assistance Act also get reauthorized along with the Child Abuse Prevention and Treatment Act (CAPTA).

The original CAPTA authorized the creation of the National Center on Child Abuse and Neglect (NCCAN) to help establish the parameters of the problem and to provide incentives for developing effective methods of treatment. The act also authorized demonstration grants and a State grant program for activities relating to preventing and treating child abuse and neglect. To be eligible for funding under the State grant program, States were required to establish systems for reporting and investigating child abuse and neglect and for providing immunity from prosecution for persons who report abuse or neglect.

In 1978, the act was amended by Public Law 95-266, which extended the programs under the act through fiscal year 1981 and, among other things, expanded NCCAN's grant making authority. It also required the establishment of research priorities and provided funds for the prevention and treatment of child sexual abuse. In response to concerns that Federal assistance was needed to help facilitate adoption of children, particularly those whose placement was constrained because they were older or disabled, the 1978 amendments also authorized through fiscal year 1981 a new adoption opportunities program to help eliminate barriers to adoption.

In 1981, CAPTA and the Adoption Opportunities Act were extended through fiscal year 1983 under the Omnibus Budget Reconciliation Act (Public Law 97-35), and in 1984, the programs were extended through fiscal year 1987 under amendments to the Child Abuse Act (Public Law 98-457). The 1984 amendments expanded NCCAN's responsibilities to include additional studies. The amendments required, as an additional criterion for eligibility for the State grant program, that States implement systems for responding to reports of medical neglect in cases involving severely disabled newborns. The amendments also authorized a new State grant program and other assistance to help States develop and run systems for responding to reports of medical neglect, including withholding of medically indicated treatment from disabled infants with life-threatening conditions. The 1984 amendments also authorized a new State demonstration program in the area of family violence prevention and services.

The Child Abuse Prevention Federal Challenge Grants Act was enacted on October 12, 1984, as Title IV of Public Law 98-473, the continuing appropriations bill for fiscal year 1985. In enacting this legislation, the Congress found that, since 1980, certain States had begun to recognize the critical need for child abuse prevention efforts and had established Children's Trust Funds. These State funds were generated by surcharges on marriage licenses, birth certificates, and divorce actions, or by special indication on State income tax returns.

At the time, no Federal funds were directed specifically toward assisting State efforts to prevent child abuse and neglect. When the legislation was enacted, 20 States had set up special funds for child abuse prevention. The kinds of programs supported by these special funding mechanisms ranged from classes on parenting and coping with family stress to statewide public education campaigns and special sexual abuse prevention training for children. The Challenge Grant program was developed to encourage all States to establish and maintain funds to support child abuse prevention projects. The number of States receiving funding under the Chal-

lenge Grant program increased from 33 States in fiscal year 1986, the first year of appropriations for the program, to 47 States, in fiscal year 1990, which were awarded a total of \$4,933,501.

In 1986, CAPTA was amended by provisions of the Children's Justice and Assistance Act (Public Law 99-401), establishing a new State grant program for improving the administrative and judicial handling of child abuse cases, especially those involving child sexual abuse. Funding for this program is derived from fines collected from persons convicted of certain Federal offenses.

In 1988, CAPTA was reauthorized (Public Law 100-294), extending its programs through fiscal year 1991. The 1988 amendments also established a new interagency task force and a newly constituted Advisory Board on Child Abuse and Neglect.

The Community-Based Family Resource and Support Grants (Title II of CAPTA) represent a consolidation and revamping of a number of programs Congress authorized over the past two decades. These include the Child Abuse Prevention Challenge Grants, the Emergency Child Abuse Prevention Services Grants, the Family Resource and Support Programs, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Grants, and the Family Support Program of the McKinney Homeless Act.

#### COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

The Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (Public Law 101-126) reauthorized the Challenge Grants Program through fiscal year 1991 and transferred it to Title II of CAPTA. This program was administered by NCCAN. The Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 (Public Law 102-295) modified this program and changed the name to "Community-Based Child Abuse and Neglect Prevention Grants." The purpose of this program was to assist States in supporting child abuse and neglect prevention activities. States were eligible for grants if they had established trust funds for the administration of child abuse prevention activities. Funds were distributed to all such States based on child population and the amounts of non-Federal funds collected by States for their trust funds. Between fiscal year 1991 and fiscal year 1994, funding levels for this program ranged from \$5.4 million to \$5.3 million.

#### EMERGENCY CHILD ABUSE PREVENTION SERVICES GRANTS

The Emergency Child Abuse Prevention Services Grants program was intended to provide services to children whose parents were substance abusers. Grants were made directly to local public and nonprofit organizations to provide these services. Between fiscal year 1991 and fiscal year 1994, funding for this program ranged from \$19.5 million to \$19.0 million.

#### FAMILY RESOURCE AND SUPPORT CENTERS PROGRAM

In 1990, the Family Resource and Support Centers Program was established (by Public Law 101-501) to fund States, on a competitive basis, to establish statewide networks of family support programs, in collaboration with existing health, mental health, education, employment and training, child welfare, and other social services agencies within the State. HHS awarded three grants of

\$1.5 million each to Maryland, Virginia, and Connecticut. Each State took a unique approach to the operation of this program. One administered it through the State Health Department, another through the State Education Department, and the third through a private nonprofit entity. Programs established under this authority were designed to operate consistent with the family support philosophy: the basic relationship between programs and the family is one of equality and respect; participants are a vital resource; programs are community-based and culturally and socially relevant to the families they serve; parent education, information about human development, and skill building for parents are essential elements of every program; and programs are voluntary. The collaborative efforts of these programs resulted in critical innovations at the State level. These efforts also strengthened existing comprehensive programs in communities and tested innovative approaches at the local level. Services provided included parent education, early childhood development, outreach, community and social services referrals, housing assistance, job training, and parenting support, all of which help prevent child abuse.

#### 1994 CONSOLIDATION

Because the response to the Family Resource and Support program was so positive, Congress broadened the program and expanded it to all States in the Human Services Amendments of 1994 (Public Law 103-352). The Human Service Amendments of 1994 consolidated three programs into the new Community-Based Family Resource Programs, which was placed in Title II of CAPTA. Two of the consolidated programs had been part of CAPTA: the Emergency Child Abuse Prevention Services Grants (Section 107A of CAPTA), and the Community-Based Child Abuse and Neglect Prevention Grants (Title II of CAPTA). In addition, the 1994 amendments consolidated the Family Resource and Support Program, which was part of the Claude Pepper Young Americans Act of 1990 (enacted as Title IX of the Augustus F. Hawkins Human Services Reauthorization Act of 1990).

These amendments sought to establish and promote statewide networks of family support programs, using innovative approaches to blending funds and leveraging additional resources that were central to the Community-Based Child Abuse Prevention Grants. These programs were designed to operate with the same family support philosophy that was embedded in the Family Resource and Support program.

This program was intended to further enhance the States' abilities to develop comprehensive networks of family support programs. The funding was required to supplement, rather than supplant, other State funding. The program encouraged States to leverage a broad array of public and private funding for the development of the networks.

Congress intended that each State would choose an organization to act as the lead entity. The lead entity may differ from State to State, but in each State it is the most appropriate organization to carry out the mission of the program. The lead entity is required to demonstrate the ability to work with other State and community-based agencies to provide training and technical assistance, a commitment to parental participation in the design and implemen-

tation of family resource programs, the capacity to promote a statewide network of family resource programs, and the capacity to exercise leadership in implementing effective strategies for capacity building, and access to funding for family resource services across agencies.

The program was included as Title II of the Child Abuse Prevention and Treatment Act and was authorized for only 1 year in order to put it on the same reauthorization cycle as the rest of CAPTA.

In 1996, CAPTA was reauthorized (Public Law 104–235), extending its authorization through fiscal year 2001. The act made significant changes to better target abuse and neglect prevention resources to 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.

The 1996 amendments to CAPTA rewrote Title II of the act and renamed it the Community-Based Family Resource and Support Grants. The act further consolidated a number of small programs into the new program. The following programs were repealed as part of the consolidation: Community-Based Family Resource Programs, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Grants, and the Family Support Program (under the McKinney Homeless Assistance Act).

The Keeping Children and Families Safe Act of 2003 (P.L. 108–36) was signed into law on June 25, 2003, reauthorizing CAPTA and related programs. The 2003 law included provisions designed to promote increased sharing of information and expertise between child protective service agencies and education, health, and juvenile justice systems, to encourage a variety of new training programs designed to improve child protection, and to improve communication and collaboration between child protective services workers and families who are part of a child abuse and neglect investigation. The law also included for-profits among the groups that may seek demonstration grant funds and receive technical assistance for programs related to treating or preventing child maltreatment. Additionally it required States that seek Basic State Grant Funds under CAPTA to meet a number of new assurances to be eligible for this funding.

The Keeping Children and Families Safe Act of 2003 also reauthorized and increased the funding authority for two related programs: Adoption Opportunities and Abandoned Infants Assistance through 2008. A number of the changes in the Adoption Opportunities program were intended to eliminate barriers to the adoption of children across State and other jurisdictional boundaries.

The HELP Subcommittee on Children and Families held a hearing entitled “Protecting Children, Strengthening Families: CAPTA Reauthorization” on June 26, 2008. At this hearing, committee members learned from the Centers for Disease Control and Prevention that children who experience abuse or neglect are at risk for future health problems and experience high rates of post-traumatic stress disorder, depression, isolation, self-destructive behaviors and comorbid problems including the use of tobacco, drugs, and alcohol, and neurological impairments. The committee also heard testimony from Karen Foley-Schain, Executive Director of the Connecticut

Children's Trust Fund about Title II of CAPTA, Community-Based Grants for the Prevention of Child Abuse and Neglect; Caren Kaplan, Director of Child Protection Reform at the American Humane Association about differential response; and Tanya Long, a parent with Parents Anonymous<sup>®</sup> Inc. about how CAPTA services had helped her personally and about the importance of empowering parents.

#### Title II—Adoption Opportunities Act

The Adoption Opportunities Act was originally enacted in 1978 to encourage and provide for stable, supportive, and ultimately permanent homes for children and youth in the child welfare system.

More recent reauthorizations have worked to further reduce barriers to adoption including through the use of better data collection and management processes; providing training and support to prospective adoptive parents and families; and most recently, on targeting assistance toward groups disproportionately represented in the child welfare system.

#### Title III—Abandoned Infants Assistance Act

The Abandoned Infants Assistance Act was first passed in 1988 and authorizes demonstration grants to public and private non-profit agencies for activities that prevent the abandonment of infants. The act provides for activities that identify and address the needs of abandoned infants, recruit and train foster families for abandoned children, provide residential care for infants and young children who cannot live with their families or be placed in family foster care, provide respite care for families and foster families, and recruit and train health and social services personnel to work with abandoned children. In selecting grantees, HHS must give priority to applicants in States that have procedures for expedited termination of parental rights and adoptive placement for infants who are determined under State law to be abandoned.

The Abandoned Infants Assistance Act Amendments of 1991 (P.L. 102–236) extended the Abandoned Infants Act through fiscal year 1995 and authorized new residential service centers to provide support to infants, and young children and their natural, foster, and adoptive families.

In 1996, the Abandoned Infants Assistance Act was reauthorized alongside of CAPTA by (Public Law 104–235). The act directed the Secretary to give priority in making grants to applicants in States that have developed and implemented proceedings for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under State law.

The Keeping Children and Families Safe Act of 2003 (P.L. 108–36) reauthorization required grantees to ensure that priority for their services was given to abandoned infants and young children who have life threatening illness or other special needs (while also continuing the prior law priority for abandoned infants and young children who are HIV-infected, perinatally exposed to HIV, or perinatally drug-exposed). The 2003 law also required HHS to conduct a study of the scope of abandonment of infants and young children in the Nation and it required HHS to evaluate and report on

effective methods of intervening to prevent abandonment of children and to better serve abandoned children.

#### Title IV—Family Violence Prevention and Services Act

The Family Violence Prevention and Services Act (P.L. 98–457) was enacted in 1984 to assist States and Indian tribes to prevent family violence, to provide immediate shelter for victims of family violence and their dependents, and to provide technical assistance and training relating to family violence programs. The programs under the act were administered by the Administration for Children, Youth, and Families of the Department of Health and Human Services. The act authorized three grant programs: (1) demonstration grants to States (and Indian tribes) for prevention programs, shelters and related assistance; (2) law enforcement training and technical assistance grants for regionally based programs; and (3) information and training grants to foster cooperation between law enforcement agencies, domestic violence shelters, social service agencies and hospitals.

The 1984 Family Violence Prevention and Services Act also authorized a national information and research clearinghouse on the prevention of family violence (including the abuse of elderly persons) and a family member abuse information and documentation project to provide for objective documentation of data on the victims of family violence.

The Violent Crime Control and Law Enforcement Act of 1994 amended the FVPSA to authorize a grant for the operation of a national toll-free telephone hotline to provide information and assistance to victims of domestic violence. The amendments also authorized appropriations for battered women's shelters, as well as for the selection, implementation, and evaluation of four model programs to educate youth about domestic violence and violence among intimate partners.

Other changes set forth by Subtitle B of the Violence Against Women Act (VAWA) include the requirement that grant applications incorporate a plan to address the needs of underserved populations and that State grantees file a report explaining and assessing the activities funded by the grants. Additionally, the VAWA provided for the continued support of grants to nonprofit private organizations to provide training and technical assistance and foster collaborations among governmental systems that impact battered women.

FVPSA also authorized the Domestic Violence Prevention Enhancement and Leadership Through Alliances (DELTA) program, which provides grants to nonprofit private organizations that coordinate community projects for intervening and preventing domestic violence.

The 2003 reauthorization made minor changes to the law and required HHS to support demonstration programs providing services to children who witness domestic violence and providing training for those who work for these children, if sufficient funds were made available.

## IV. EXPLANATION OF LEGISLATION AND COMMITTEE VIEWS

Reauthorizing CAPTA, FVPSA, the Abandoned Infants Assistance Act, and the Adoption Opportunities Act are critical steps in helping communities better meet the needs of abused and neglected children as well as adult victims of abuse, neglect and maltreatment. Accordingly, this reauthorization enables States to provide high-quality prevention services to reduce abuse and neglect and better address the unique needs of at-risk populations, including children with disabilities and members of minority and ethnic groups.

Consistent with these efforts, through this reauthorization the committee has three primary goals: (1) to improve data collection to improve program operation over time; (2) to improve systems for training and supporting individuals who identify, prevent, and respond to reports of abuse, neglect, and maltreatment; and (3) to strengthen coordination among service providers working to address the challenges associated with child abuse, neglect, and maltreatment as well as domestic violence and dating violence.

Each of these enhancements will improve systems for training and supporting individuals charged with identifying, preventing, and responding to reports of incidence of abuse, neglect, and maltreatment; stronger coordination among service providers; and a renewed focus on the need to respond to the conditions that lead to abuse, neglect, and maltreatment.

## Title I—Child Abuse Prevention and Treatment Act

## NON-ABUSING PARENT AND CHILD EXPOSURE

*Section 104(a), 105(a), 106(a), 206(a)*

The committee is aware of circumstances in which a non-abusing parent or caregiver, who is a victim of domestic violence, is assumed, for the intent of a Child Protective Services (CPS) evaluation of the child's safety, to be abusing or neglecting his or her child due to such child's exposure to domestic violence. The committee believes that this is not in keeping with best practices, and that it is not always in the child's best interest to make such a determination based on those factors.

According to the New York State Court of Appeals' finding in *Nicholson v. Scopetta* (2004), a State agency may not find "a respondent parent responsible for neglect based on evidence of two facts only: that the parent has been the victim of domestic violence, and that the child has been exposed to that violence." Treating a non-abusing parent as a perpetrator of child abuse or neglect often results in the separation of a child from the non-abusing parent. Research has shown that this separation can be harmful to the child. In 2004 Dr. David Pelcovitz of Yeshiva University stated that "taking a child whose greatest fear is separation from his or her mother and in the name of 'protecting' that child by forcing on them, what is in effect, their worst nightmare . . . is tantamount to pouring salt on an open wound."

The committee therefore encourages State child protective service systems to work with domestic violence service providers to identify best practices in early intervention measures that address

the needs of children exposed to domestic violence and their non-abusing parents.

*Section 105(a)*

The committee encourages States to use funding under this section for grants to nonprofit and public organizations for programs that train non-offending adults in prevention, recognition, and response to child sexual abuse. The committee encourages such prevention programs to be evidence-based.

DIFFERENTIAL RESPONSE

Differential response is a State or community-determined formal response that assesses the needs of the child or family without requiring a determination of risk or occurrence of maltreatment. Such response occurs in addition to the traditional investigatory response.

The committee intends that the Secretary of Health and Human Services not proscribe by regulation or guidance a specific practice or narrowing of acceptable practices for differential response. Given the dissatisfaction with traditional Child Protective Services (CPS) practices and the growing recognition of the importance of engaging families to improve parenting practices, the committee intends to encourage States to use the differential response model, also known as “dual tracking,” “system of care,” “multiple track,” or “alternative response.” These models are viewed as effective practices to allow for more than one method of response to reports of child abuse and neglect.

The committee understands that states greatly vary in their definition and implementation of differential response, and the committee does not intend for the definition of differential response to limit child protection reforms across State and county systems. The committee intends to encourage States, as best fits their needs, to utilize some or all of the core elements that distinguish differential response models from the traditional CPS models. The core elements are the field’s best attempt to define a true differential response model and distinguish the true model from what some States may define as differential response but may lack some of these core elements.

Core elements that have been identified by the 2006 National Study of Differential Response in Child Welfare include:

- (1) the use of two or more discrete responses to reports of maltreatment that are screened in and accepted by the child protection agency for response;
- (2) pathway assignment determined by a variety of factors that may include presence of imminent danger, level of risk, the number of previous reports, among others;
- (3) pathway assignment is flexible and can be changed with additional information;
- (4) ability of families who receive a non-investigatory response to accept or refuse to participate in differential response;
- (5) voluntary services for families who receive a non-investigatory response, as long as safety of child is not compromised;

- (6) establishment of discrete responses is codified in State statute, protocols, and policies;
- (7) no formal determination, such as substantiation or finding of abuse or neglect, that child maltreatment has occurred is necessary for differential response; and
- (8) a differential use of the central registry, depending on the type of response so that there is no identification of individuals served through a noninvestigation family assessment.

The committee acknowledges the differential response model in Minnesota as a well-researched and implemented model. Minnesota's program focuses on the importance of building a culture of organizational change that rewards innovation. In lieu of an adversarial relationship with families, Minnesota's county public child protection and community-based agencies form partnerships with families who come to the attention of child protective services in order to be most responsive in the identification and delivery of needed services.

A 2004 longitudinal evaluation of the Minnesota "alternative response" model concluded that child safety was not compromised and that the safety of children improved when the alternative response model was used. Families who received the alternative response pathway were less likely to have new reports of child maltreatment reports when compared to the control families in the study who received the traditional investigation process. In addition, families more often reported that they were treated in a friendly and fair manner, that CPS workers listened to them, that they were involved in decisionmaking and case planning, and that they felt that they had benefited from the intervention.

#### DISCLOSURE OF INFORMATION ON CHILD FATALITIES AND NEAR FATALITIES

The committee believes that the duty of child protective services, required in CAPTA Sec. 106(b)(2)(x), to provide for the mandatory public disclosure of information about a case of child abuse or neglect which has resulted in a child fatality or near fatality ensures improved accountability of protective services and can drive appropriate and effective systemic reform. However, the committee is aware that not all States are in compliance with these CAPTA requirements. The committee calls upon the Secretary of Health and Human Services to develop clear guidelines in the form of regulations instructing the States of the responsibilities under CAPTA to release public information in cases of child maltreatment fatalities and near fatalities, and to provide technical assistance to States in developing the appropriate procedures for full disclosure of information and findings in these cases.

#### CROSS-JURISDICTION

Child maltreatment does not respect State lines. Given the mobility of our society, it is not unusual for an incident of maltreatment to occur in a State other than the one which the child or perpetrator resides. Testimony before the U.S. House of Representatives indicates that interstate jurisdictional complications can arise and may result in legitimate child abuse cases being screened out solely on a technicality. Congress recognizes that no incident of

child maltreatment should go ignored simply due to such complications and encourages the Secretary to examine this important issue to ensure abused children are not being ignored for bureaucratic reasons. Rather what is most important is protecting children. The Congress has added important provisions to CAPTA to help address this issue assisting States with conducting research and requiring them to consider developing recommendations which address concerns involving reports with a potential combination of jurisdictions.

#### REPORTING

The committee amended section 106(b)(2)(A)(i) to codify Regulation 1340.14, a long-standing regulation that requires States, as a condition of eligibility for CAPTA funds, to have a law mandating reporting by specified individuals of known and suspected instances of child abuse and neglect. It would be the responsibility of each State to identify the categories of individuals who would be subject to such reporting requirements. This regulation also requires by statute or administrative procedure that all other persons are permitted to report known and suspected instances of child abuse and neglect to a child protective agency or other properly constituted authority. The committee does not intend for this amendment to alter the interpretation of the existing regulation.

##### *Sec. 110. Reports*

The committee is concerned by reports of lawsuits filed against professionals who cooperate or assist with the filing of a mandatory report or provide consultation services to health care providers, investigators, child welfare agencies, or law enforcement. CAPTA requires each State to have a law protecting mandatory reporters who act in good faith from prosecution under State and local laws. However, this provision does not protect non-reporting professionals involved with child maltreatment investigation. Washington State has amended its legal codes to extend protection from prosecution to professionals who consult with mandatory reporters on child abuse cases. The committee directs the Secretary to conduct a study, in consultation with experts in the provision of healthcare, education, law enforcement, and local child welfare administration, that examines how provisions for immunity from prosecution under State and local laws and regulations facilitate and inhibit individuals from cooperating, consulting, or assisting in making good faith reports, including mandatory reports, of suspected or known instances of child abuse or neglect, including mandatory reports. Within 1 year of the date of enactment, the committee directs the Secretary to make recommendations for statutory or regulatory changes the Secretary determines appropriate.

##### *Sec. 113. Rule of Construction*

The committee believes the Rule of Construction, should not be interpreted to discourage the reporting of incidences of child abuse or neglect to child protective services, nor to exempt any child from State reporting requirements. [The committee also believes the rule of construction in section 113 as written in current law should be enforced.]

*Section 119. Definition of child abuse and neglect*

In 1996, the Federal definition of “child abuse and neglect” in CAPTA was amended to include the words “serious” and “recent” as modifiers of findings of child maltreatment. According to the Senate report (S. Report 104–117), this change was made to set a clear Federal minimum standard for States to define child abuse and neglect. Also according to the committee report, “In using the word “recent” as a qualifier to parental action or inaction which constitute child maltreatment, the committee does not intend that States should limit their authority in situations where past evidence may suggest that children are still at risk.” The committee continues to support that interpretation of the word “recent” for the purposes of this definition.

Since the 1996 reauthorization, many States have maintained or expanded their State definitions and practices to allow State child protective systems and others to focus on early intervention in the protection of children who have been maltreated or are at risk of more serious abuse or neglect. In approximately 38 States and American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, the definition of abuse also includes acts or circumstances that threaten the child with harm or create a substantial risk of harm to the child’s health or welfare.

Florida, for example, has a definition for “physical abuse” that references threatened acts and acts that are likely to cause a child’s physical, mental, or emotional health to be significantly impaired which could allow for early intervention services in the protection of children. Florida’s definition of “physical abuse” is:

*“Abuse means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause a child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Harm to a child’s health or welfare can occur when a person: inflicts or allows to be inflicted upon the child physical, mental, or emotional injury, purposely gives a child poison, alcohol, drugs, or other substances that substantially affect the child’s behavior, motor coordination, or judgment or that result in sickness . . . (Ann. Stat. § 39.01)”*

Alabama, defines physical abuse to mean “harm or threatened harm to the health or welfare of a child through: Nonaccidental physical injury; Sexual abuse or attempted sexual abuse; Sexual exploitation or attempted sexual exploitation.” *Ala. Code § 26–14–1(1)–(3)*.

Iowa considers child abuse or neglect to mean “any nonaccidental physical injury, or injury that is at variance with the history given of it, suffered by a child as the result of acts or omissions of a person responsible for the care of the child.” *Ann. Stat. § 232.68*.

Michigan defines child abuse to mean “harm or threatened harm to a child’s health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment by a parent, a legal guardian, or any other person responsible for the child’s health or welfare or by a teacher, a teacher’s aide, or a member of the clergy.” Additionally, severe physical injury means “an injury to the child that requires medical treatment or hospitalization and that seriously impairs the child’s

health or physical well-being.” *Comp. Laws* §§ 722.622; 722.628(3)(c).

In Washington abuse or neglect means “the injury of a child by any person under circumstances that cause harm to the child’s health, welfare, or safety, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.” *Rev. Code* §§ 26.44.020; 26.44.030; 9A.16.100.

As in prior years, the most recent annual U.S. Department of Health and Human Services’ Child Maltreatment report from 2008 shows that neglect cases comprise the majority of maltreatment reports nationwide. In the 2008 report, 70 percent of the victims suffered neglect, more than 15 percent of the victims suffered physical abuse, and less than 10 percent of the victims suffered from psychological maltreatment.

Child neglect, particularly chronic neglect, is a difficult issue for child welfare workers and other mandatory reporters to discover because the multiple, chronic, and long-term problems that occur are not compatible with the short-term, crisis-oriented approaches of the incident-driven system.

The committee recognizes that the most insidious maltreatment—the cumulative harm to the child who experiences chronic neglect—can harm the development of the brains of infants and small children and impair cognitive and sensory growth. The unremitting daily impact of these experiences on the child can be profound and exponential, and diminish a child’s sense of safety, stability and well-being.

Although the committee makes no changes to the Federal definition of neglect, the committee encourages States to carefully examine their State laws, policies, practices, and procedures to ensure that children are protected from abuse and neglect.

The committee also recognizes that child protective agencies are increasingly focused on providing preventive services and the use of differential response to better address the needs of families and children for support and assistance. Accordingly, the committee encourages the Secretary to work closely with States in providing best practices, technical assistance, and guidance on how best to develop differential response systems so that more preventative services can be offered by States to help reduce the incidence of child abuse and neglect, advance the knowledge base on how best to intervene appropriately in cases of neglect, and respond thoughtfully to the needs of children and families involved in these circumstances.

*Section 106(b)(2)(A)(xviii) and (xix)*

In the 2003 reauthorization of CAPTA (P.L. 108–36), Congress added a number of provisions aimed at ensuring that State child welfare systems use best practices that incorporate representatives of the child protective service system respecting the legal rights of children and families, while continuing to ensure the safety of children. Section 106(b)(2)(A)(xviii) and (xix) required States, as a condition for eligibility of CAPTA funds, to have procedures and provisions such that representatives of child protective services agencies advise individuals of the complaints or allegations made against them (in a manner consistent with laws protecting the rights of the informant) as well as specific training for such representatives re-

garding their legal duties in order to protect the “legal rights and safety of children and families from the initial time of contact during investigation through treatment.” P.L. 108–36 also authorized the Secretary, under section 105(a)(1) to make grants for the training of personnel in best practices that promote collaboration with families from the initial contact as well as training of personnel regarding their legal duties to protect the legal rights of children and families. The committee continues to believe that investigations can be traumatic and disruptive to children and families, and while they are essential for ensuring a child’s safety, care should be taken to limit the trauma children and families undergo during these investigations.

### *Section 201*

The committee encourages States to use funding under this section to offer training for child protective services personnel in best practices to prevent, recognize and react responsibly to child sexual abuse, and that such programs be evidence-based.

## Title II—Adoption Opportunities Act

### DISPROPORTIONATE REPRESENTATION OF AFRICAN-AMERICAN AND OLDER CHILDREN IN THE FOSTER CARE SYSTEM

The committee is aware of the disproportionate representation of older children, African-American children, and children with disabilities in foster care throughout the country. The committee encourages States and localities to take appropriate steps to meet this critical challenge and provide better opportunities for these children to find stable and supportive homes.

Presently, there are more than 420,000 children in foster care and a disproportionate number of these children are African-American. Despite representing less than 15 percent of the U.S. population under the age of 18, African-American children comprise more than 30 percent of the children who were in foster care in 2009. According to the U.S. Department of Health and Human Services, of the 420,000 children in foster care in 2009, 40 percent were white and 30 percent were black; however, of the 276,000 children who exited foster care during fiscal year 2009, 43 percent were white and only 27 percent were black. Additionally, 38 percent of the children in foster care who were waiting to be adopted were white and 30 percent were black, but just 25 percent of children adopted with public child welfare agency involvement during fiscal year 2009 were black, while 44 percent were white.

Similarly, older youth are disproportionately represented in the foster care system. Youth 14 to 17 years of age represent 23 percent of the national under age 18 population, but in 2009 of the children in foster care under age 18, 30 percent were 14 to 17 years of age. Youth in that age group represented just 7 percent of the children adopted from the public foster care system in 2009. Further, the number of children who “emancipate” from foster care—that is, leave State foster care custody due to reaching the age of majority rather than placement with a permanent family—grew from a little more than 20,000 in 2000 to more than 29,000 in 2009. Generally, teenagers are less likely to be adopted or placed with relatives as they get older and are more likely to run away

and exit by reaching the age of majority or some other pathway, such as independent living. Accordingly, the committee believes that States, as well as State and local agencies, should work to ensure that every child has access to permanent, continuous, and nurturing relationships with caring adults. The committee encourages State systems and local providers to work to increase the permanency of African-American children, older children, and children with special needs.

#### TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

##### RACIAL AND ETHNIC MINORITIES, SECTION 302(A)(9)

The committee recognizes that the term “underserved populations” includes racial and ethnic minority groups that have unique cultural and linguistic needs. In order to meet the need for services in these communities, family violence services are often provided by programs other than traditional domestic violence service providers, either through partnerships or referrals to specialized providers. The committee believes that when services are not available through the traditional service provider, the use of partnerships is a vital way to serve all victims of domestic violence. Because these specialized providers are such an important component of a comprehensive family violence service and prevention system, it is the committee’s intent that these programs continue to be eligible for FVPSA grant funding.

##### CULTURALLY APPROPRIATE SERVICES, SECTION 308(B)(2)(E)

The committee intends that services provided by the State respond to the needs of racial and ethnic minorities, including through the provision of culturally and linguistically appropriate services for such populations.

##### CHILD EXPOSURE TO DOMESTIC VIOLENCE, SECTION 312

The committee intends that children who are exposed to domestic violence are eligible to receive services under FVPSA that respond to the effects of exposure, including those provided in coordination with services for non-abusing parents or caretakers and targeted domestic violence prevention activities. According to the American Journal of Health and Behavior, *Is Adolescent Sibling Violence a Precursor to College Dating Violence?* (2003), and the Journal of Interpersonal Violence, *Violent Childhood Experiences and the Risk of Intimate Partner Violence in Adults* (2008), adolescent girls exposed to domestic violence are significantly more likely than their non-exposed peers to become victims of domestic violence, and adolescent boys exposed to domestic violence are four times more likely than their non-exposed peers to perpetrate domestic violence.

##### RELIGIOUS AND FAITH-BASED COMMUNITIES, SECTION 302(A)(9)

The committee intends that all victims of domestic violence have access to immediate emergency shelters and supportive services. Many religious and faith-based communities provide immediate emergency shelter as part of their outreach mission, and the committee encourages domestic violence service providers to continue to work with these providers in their geographic region to ensure

that all victims have access to immediate emergency shelter and supportive services.

COORDINATED COMMUNITY RESPONSE, SECTION 314

The committee intends that “coordinated community response” means an organized effort, such as a task force, coordinating council, or coalition of entities operating in a defined geographical area, representing an array of service providers responding to the needs of domestic violence populations in such area. The purpose of a “coordinated community response” is to prevent domestic violence and coordinate services to victims of domestic violence and their families by integrating strategies and services through increased communication, cooperation, and coordination of participants and providers. Participating entities can include law enforcement agencies, advocacy organizations, health care providers, child protection services, and other private and public entities. Coordination helps to ensure that the system works optimally; victims are protected and receive the services they need; perpetrators are held accountable and cease their abusive behavior; and communities become engaged in efforts to change the social norms and attitudes that contribute to domestic violence.

NON-ABUSING PARENT, SECTIONS 308, 312

Parents who are abused often face stigma or a lack of understanding about their needs and the needs of their children. In some cases, parents who have been abused have, in an overabundance of caution, subsequently been accused of abusing, neglecting, or mistreating their children. According to the Bureau of Justice Assistance of the U.S. Department of Justice, over 50 percent of female victims of domestic violence live in households with at least one child under the age of 12. Furthermore, according to the National Council of Juvenile and Family Court Judge’s *Green Book* (1999), the goal in all incidents of domestic violence should be to create safety, enhance well-being, and provide stability for the victims of such violence and their dependents. The *Green Book* states that, in order to preserve these goals, it is in the best interest of the dependent and the victim to keep children with their non-abusing parents. Accordingly, the committee believes that States and State agencies should take into account current best practices when intervening in a violent situation in order to reduce stigma and ensure that the best interests of the child are fully met.

V. COST ESTIMATE

Hon. TOM HARKIN,  
*Chairman, Committee on Health, Education, Labor, and Pensions  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3817, the CAPTA Reauthorization Act of 2010.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 3817 would authorize appropriations for 2011 through 2015 and amend the following four statutes dealing with child welfare.

- The Child Abuse Prevention and Treatment Act,
- The Family Violence Prevention and Services Act,
- The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and
- The Abandoned Infants Assistance Act of 1988.

CBO estimates that implementing the bill would cost about \$2 billion over the 2011–2015 period, assuming appropriation of the estimated amounts. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

S. 3817 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 3817 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year in millions of dollars—					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Child Abuse Prevention and Treatment:						
Estimated Authorization Level .....	202	204	207	211	215	1,039
Estimated Outlays .....	69	168	197	202	206	842
Family Violence Prevention and Services:						
Authorization Level .....	185	185	185	185	185	925
Estimated Outlays .....	63	153	177	179	179	751
Adoption Reform:						
Estimated Authorization Level .....	40	41	41	42	43	207
Estimated Outlays .....	14	34	39	40	41	168
Abandoned Infants Assistance:						
Estimated Authorization Level .....	45	46	48	51	55	245
Estimated Outlays .....	15	38	45	47	50	195
Total Changes:						
Estimated Authorization Level .....	472	476	481	489	498	2,416
Estimated Outlays .....	161	393	458	468	476	1,956

Basis of estimate: For the purposes of this estimate, CBO assumes that S. 3817 will be enacted by the end of 2010, that amounts authorized and estimated to be necessary will be appropriated for each fiscal year beginning with fiscal year 2011, and that outlays will follow historical spending patterns for similar programs.

*Child Abuse Prevention and Treatment*

The Child Abuse Prevention and Treatment Act (CAPTA) would authorize formula grants to States for child protective services and child welfare systems based in the community. Additionally, the bill would authorize funding for competitive grants for research and demonstration projects. The bill would authorize the appropriation of \$200 million in 2010 and such sums as are necessary for 2011 through 2015. (Because fiscal year 2010 is completed, this estimate does not reflect any impact for that year.) Adjusting for inflation for 2011 through 2015, CBO estimates that implementing S. 3817 would increase spending by \$842 million over the 2011–15 period, assuming appropriation of the estimated amounts.

*Family Violence Prevention and Services*

The Family Violence Prevention and Services Act would help States prevent domestic violence, provide services to people who have suffered from such violence, and assist with technical assistance and training at the State and local levels. The bill would authorize \$185 million per year for formula grants to States and tribes, the national domestic violence hotline, and other purposes. CBO estimates that implementing this bill would increase spending by \$751 million for family violence prevention over the 2011–15 period, assuming appropriation of the authorized amounts.

*Adoption Reform*

The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 would provide funding for the promotion of adoption, particularly of special needs children, as well as other activities. The bill would authorize the appropriation of \$40 million in 2010 and such sums as are necessary for 2011 through 2015. Adjusting for inflation, CBO estimates that implementing S. 3817 would increase spending by approximately \$170 million over the 2011–15 period, assuming appropriation of the estimated amounts.

*Abandoned Infants Assistance*

The Abandoned Infants Assistance Act of 1988 would allow the Department of Health and Human Services to provide grants to public and private nonprofit organizations. Those grants could be used to demonstrate methods for such activities as preventing child abandonment, recruiting foster families, and running residential care programs. S. 3817 would authorize the appropriation of \$45 million in 2010 and such sums as are necessary for 2011 through 2015. Adjusting for inflation, CBO estimates that this bill would increase spending by approximately \$200 million for abandoned infant assistance over the 2011–15 period, assuming appropriation of the estimated amounts.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 3817 contains no intergovernmental or private-sector mandates as defined in UMRA. Grant funds authorized in the bill would benefit State, local, and tribal governments. Any costs those governments incur, including matching funds, would result from complying with conditions of federal assistance.

Estimate prepared by: Federal costs: Jonathan Morancy; Impact on State, local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the private sector: Sarah Axen.

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

## VI. REGULATORY IMPACT STATEMENT

## A. REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee has determined that there will be minimal increases in the regulatory burden imposed by this bill.

*Impact on individuals and businesses*

In general, the bill provides grants to States and public and private agencies to assist in identifying, assessing, investigating, treating, and preventing child abuse and neglect. Regulations are needed to implement these grants in specified areas but do not affect individuals or businesses, unless they choose to apply for such funds.

*Impact on personal privacy and paperwork*

The bill provides grants to States and public and private agencies to assist in identifying, assessing, investigating, treating, and preventing child abuse and neglect. The bill should not increase the amount of personal information and paperwork required.

## B. UNFUNDED MANDATES STATEMENT

Estimated impact on State, local, and Tribal Governments: According to the Congressional Budget Office, the bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill places several new requirements and limitations on State programs as conditions of receiving assistance. For example, the bill requires States to have policies and procedures to have triage for the referral of a child not at imminent risk of harm to a community or voluntary child maltreatment prevention service; to improve the training, retention, and supervision of caseworkers; to have procedures (including appropriate referrals to CPS systems and for other appropriate services) to address the needs of infants born and identified with illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure; to require disclosures of 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; to require that a representative of the CPS 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; and, to require background checks on all adults in prospective foster care households. The committee has determined that there may be increased demands upon States due to the new conditions for assistance under section 106. However, the committee believes it is appropriate to require such new conditions given the state of the Nation's CPS system and its mission to protect children from abuse and neglect.

## VII. LEGISLATIVE IMPACT

The committee has determined that there is no legislative impact.

## VIII. SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

This Act may be cited as the "CAPTA Reauthorization Act of 2010."

Title I—Child Abuse Prevention and Treatment Act

*Section 101. Findings*

Section 2 updates the findings under the Act with the most recent data available.

Subtitle A—General Program

*Section 111. Advisory board*

Section 111 modifies the law to ensure that tribes are represented on the advisory board.

*Section 112. National Clearinghouse*

Section 112 of the bill modifies paragraphs 1–5 to ensure that the Clearinghouse maintains all programs that have demonstrated success. The section includes references to differential response and new language directing the Secretary to collect and disseminate information in conjunction with the national resource centers authorized in the Family Violence Prevention and Services Act.

*Section 113. Research and Assistance Activities*

*Research*

Section 113 of the bill amends the law by directing the Secretary to include the following research topics: (1) Assistance to infants or toddlers who experience child abuse or neglect together with their parents or primary caregivers in an effort to improve the relationship; (2) Evaluation and dissemination of best practices around how to meet the needs of special populations; (3) Comprehensive services that promote collaboration between the child protective service system, the medical community, and providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect; and (4) Effective collaborations, between the child protective system and domestic violence service providers.

This section also directs the Secretary to conduct a study on Shaken Baby Syndrome.

The section includes new language encouraging the provision of support and services to nonabusing parents in cases where children are exposed to domestic violence.

*Technical assistance*

This section also directs the Secretary to provide technical assistance to providers of mental health, substance abuse treatment, and domestic violence prevention services along with the existing agencies and organizations. This section also adds substance abuse and domestic violence services personnel to the list of personnel the Secretary may provide training information.

*Peer review for grants*

This section prohibits the Secretary from appointing any individual who is an officer or an employee of the Administration for Children and Families to the peer review panel. It also establishes criteria for such panels, including a requirement that the panel meets at least once a year and uses scientifically valid review criteria and scoring guidelines.

*Section 114. Grants to States, Indian Tribes or Tribal Organizations, and public or private agencies and organizations*

Section 114 of the bill updates section headings to clarify the inclusion of Indian Tribes or Tribal Organizations as eligible entities. It also modifies grant purposes to include the following purposes:

- (1) Training personnel in best practices to meet the needs of children with disabilities;
- (2) Training personnel in childhood development, including the unique needs of children under age 3;
- (3) Agencies that provide early intervention services; and
- (4) Training personnel in differential response best practices.

This section amends mutual support programs to include leadership programs in addition to mutual support and self-help programs. It also removes the limitation of 10 State grants for kinship care programs, thereby authorizing the Secretary to award additional grants when funds are available. It adds a section to authorize the Secretary to award grants to agencies or organizations who expand effective collaborations between child protective service entities and domestic violence service entities.

*Section 115. Grants to States for child abuse or neglect prevention and treatment programs*

Section 115 of the bill modifies section 106 of the law to ensure all States have the capacity to provide services and improve their child protective services systems. Modifications include: (1) enhancing the general child protective system by including the use of differential response systems; (2) improving training protocols for mandated reporters by developing and facilitating the use of research-based strategies; (3) supporting collaboration by enhancing interagency communication among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs; (4) implementing procedures for collaboration in investigations, interventions, the delivery of services and treatment provided to children and families; (5) the provision of services that assist children exposed to domestic violence; and (6) supporting the caregiving role of non-abusing parents.

This section includes language acknowledging the correlation between incidents of abuse, neglect, and maltreatment and alcohol abuse, as frequently manifested through Fetal Alcohol Spectrum Disorder. The modifications encourage better coordination and collaboration among organizations serving these populations in efforts to increase efficiency, maximize resources and minimize rates of future incidents.

States are directed to implement systems to track reports of child abuse and neglect from intake to disposition, and provide an assurance or certification that programs and training address the unique needs of unaccompanied homeless youth, including access to enrollment and support services. This section also modifies language to include adult former victims of child abuse or neglect among members of citizen review panels.

*Section 116. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases*

Section 116 of the bill amends section 107 of the law to clarify that grants designed to develop, establish, and operate programs regarding the investigation and prosecution of child abuse and neglect cases should be handled in ways that limit additional trauma to the child and the child's family.

This section modifies the State task force to include adult former victims of child abuse or neglect and individuals experienced in working with homeless children and youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act). It also requires the State task force to focus its efforts on improving the prompt and successful resolution of legal proceedings and administrative action in child abuse and neglect cases.

*Section 117. Miscellaneous requirements*

Section 117 of the bill amends section 108(d) of the law to express the intent for the Secretary to encourage all States and entities that receive grants under this title to ensure that children and families with limited English proficiency are served in ways that are linguistically appropriate and to ensure that individuals with disabilities are served in ways that are appropriate to their disabilities.

*Section 118. Reports*

Section 118 of the bill modifies section 110 of the law, modifying the frequency with which the Secretary shall submit a report on efforts to coordinate the objectives and activities of agencies and organizations responsible for programs and activities related to child abuse and prevention. This section requires such reports to be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate not later than 1 year after the date of enactment of this Act, not later than 3 years after the date of enactment, and again during the 5-year period following the date of enactment.

This section also amends the study and report relating to citizen review panels further clarifying the content of the study with the goal of ensuring optimal effectiveness of such panels.

*Section 119. Definitions*

Section 119 of the bill amends section 111 of the law by removing "the Trust Territory of the Pacific Islands" from the definition of State and clarifying that references to "Alaska Native," "infant or toddler with a disability," and "Native Hawaiian," have the same meanings as those given in section 3 of the Alaska Native Claims Settlement Act, section 632 of the Individuals with Disabilities Education Act, and section 7207 of the Elementary and Secondary Education Act, respectively.

*Section 120. Authorization of appropriations*

Section 120 of the bill updates the years of the authorization of the bill and maintains current authorization levels.

*Section 121. Rule of construction*

Section 121 of the bill amends the rule of construction by adding the word “child” before “abuse or neglect” to clarify the types of cases that are in question.

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

Title II—Community-Based Grants for the Prevention of Child Abuse or Neglect

*Section 132. Purpose and authority*

Section 132 of the bill amends the law to clarify the focus of the title II program. The purpose is to provide grants to develop, operate, expand, enhance and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities to better strengthen and support families and to reduce the likelihood of child abuse and neglect. Such efforts must include meaningful attempts to involve parents in planning and program implementation. This section also includes substance abuse services as an allowable community-based child abuse and neglect prevention program.

*Section 133. Eligibility*

Section 133 includes conforming amendments.

*Section 134. Amount of grant*

Section 134 includes conforming amendments.

*Section 135. Application*

Section 135 includes modifications to the community-based grant for the prevention of child abuse and neglect application requirements, including ensuring that outreach activities are extended to unaccompanied homeless youth.

*Section 136. Local program requirements*

Section 136 of the bill amends section 206 of the law to further clarify the types of optional services that may be provided.

*Section 137. Conforming amendments*

Section 137 includes conforming amendments.

*Section 138. National network for community-based family resource programs*

Section 138 includes conforming amendments.

*Section 139. Definitions*

Section 139 of the bill amends section 209 of the law to include “crisis nurseries” under the definition of “respite care services”.

*Section 140. Authorization of appropriations*

Section 140 of the bill updates the years of the authorization and maintains current authorization levels.

*Section 141. Redesignation*

Section 141 includes conforming amendments.

*Section 142. Transfer of definitions*

Section 142 of the bill consolidates the common definitions found in titles I and II into a new general definitions section and adds new definitions such as “Indian Tribe, Tribal Organization” and “Unaccompanied Homeless Youth” citing references in section 4 of the Indian Self-Determination and Education Assistance Act and section 111 of the McKinney-Vento Homeless Education Act.

Subtitle C—Conforming amendments

*Section 151. Amendments to table of contents*

Section 151 updates the table of contents.

Title II—Family Violence Prevention and Services Act

Title II of the bill provides a comprehensive reorganization of the Family Violence Prevention and Services Act to more closely reflect current legislative drafting standards and provide a clear and comprehensive understanding of the program and requirements.

*Section 301. Purpose*

Section 301 declares the purpose of this title, and amends section 302 by updating the purposes.

*Section 302. Definitions*

Section 302 of the bill establishes definitions for terms used throughout the law, including the additions of Alaska Native, Dating Violence, Domestic Violence, Native Hawaiian and Native Hawaiian Organization, Personally Identifying Information, State Domestic Violence Coalition, Supportive Services, Tribally Designated Official, and Underserved Populations.

*Section 303. Authorization of appropriations*

Section 303 of the bill consolidates all authorizations for FVPSA under a single section, including the National Domestic Violence Hotline and the Domestic Violence Prevention Enhancement and Leadership Through Alliances (DELTA) grants. The bill updates the years of the authorization and current authorization levels are maintained. This section clarifies that not less than 25 percent of funds in excess of \$130,000,000 appropriated to FVPSA will be directed to Section 312, Specialized Services for Abused Parents and Their Children. This section also increases the technical assistance and training set-aside from 5 percent to not less than six percent.

*Section 304. Authority of secretary*

Section 304 of the bill combines functions of the Secretary under sections 305, 306, and 312 of the law into a new section establishing the authorities of the Secretary, the administrative responsibilities of the Secretary, and the evaluation of activities under this title required by the Secretary.

*Section 305. Allotment of funds*

Section 305 of the bill allows for the continued availability of funds for the formula grants to States. The section allows funds allotted to a State for a fiscal year under the section and made available to such State in a grant under section 306(a) to remain available for obligation by the State until the end of the following fiscal year. All such funds not obligated by such time period shall be made available for activities under section 314 of the bill.

*Section 306. Formula grants to States*

Section 306 of the bill incorporates the discrimination prohibitions into the formula grants to States section. The section also amends the law to include a “nondisclosure of confidential or private information” provision similar to prohibitions in the Violence Against Women Act.

*Section 307. State application*

Section 307 of the bill creates a separate State Application section in FVPSA that applies to both States and Indian tribes.

*Section 308. Subgrants and use of funds*

Section 308 of the bill creates a subgrants and use of funds section. The section describes the allowable uses of funds which include providing shelter services, supportive services or prevention services to adult and youth victims of family violence, domestic violence, or dating violence or to any dependent of such victim.

This section describes the entities eligible to receive a subgrant from a State in order to provide shelter and supportive services. This section also prohibits any funds provided under this title from being used to make direct payments to victims of family violence, domestic violence, or dating violence or to any dependent of such victim and requires all services to be provided on a voluntary basis.

*Section 309. Grants for indian tribes*

Section 309 of the bill amends the law by creating grants for Indian tribes section including a description of eligible entities.

*Section 310. National resource centers and training and technical centers*

Section 310 amends the law by strengthening the resource information, training, and technical assistance centers by: (1) increasing awareness about family, domestic, and dating violence; (2) providing primary and secondary prevention services and information regarding family violence, domestic violence, and dating violence; and (3) improving the capacity of individuals, organizations, government entities and communities to prevent family violence and support victims of such violence.

This section specifies the establishment of two national resource centers, special issue resource centers, and allows for State resource centers focused on reducing disparities in domestic violence in States with high populations of Indian (including Alaska Native) or Native Hawaiian populations.

*Section 311. Grants to State Domestic Violence Coalitions*

Section 311 of the bill amends the law by encouraging a coordinated use of FVPSA funds with the use of funds provided under the Violence Against Womens Act. Grant recipients are required to participate in a performance evaluation.

*Section 312. Specialized services for abused parents and their children*

Section 312 of the bill amends the law to establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs focused on these efforts to prevent future domestic or family violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

This section further specifies that such grants shall be 2 year grants that may be renewed for one additional period of not more than 2 years. Local agencies, nonprofit, and community-based entities with a demonstrated record of serving victims of family violence, domestic violence, or dating violence are eligible to apply for such grants. Grant recipients are required to participate in a performance evaluation.

*Section 313. National domestic violence hotline*

Section 313 of the bill amends the law by requiring the national domestic violence hotline to provide information and assistance to adult and youth victims of family violence, domestic violence or dating violence, family and household members of such victims, and persons affected by the victimization. The grant recipient is required to participate in a performance evaluation.

*Section 314. Domestic Violence Prevention Enhancement and Leadership Through Alliances (DELTA)*

Section 313 of the bill amends the purpose of the program to establish and maintain local community projects designed to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

The Secretary is permitted to reserve funds to provide technical assistance and to monitor and support State Domestic Violence Coalitions for the purposes of carrying out such community-led projects. Grant recipients are required to participate in a performance evaluation.

Title III—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978

*Section 301. Child Abuse Prevention and Treatment and Adoption Reform*

Section 301 of the bill amends the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 to maintain an internet-based national adoption information exchange system in order to bring together children who would benefit from adoption, conduct national recruitment effort and connect various parties in-

volved with the adoption. The Secretary is also authorized to utilize resources to facilitate the option of older children, minority children, and children with special needs. States are required to provide more specific information when applying for foster care grants about plans to improve placement rates. The section allows the Secretary to compile an evaluation of these results and submit a report to Congress. This section maintains current authorization levels and updates the years of the authorization and the findings.

Title IV—Abandoned Infants Assistance Act of 1988

*Section 401. Abandoned infants assistance*

Section 401 of the bill maintains current authorization levels and updates the years of the authorization and the findings.

IX. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (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.  
 Sec. 3. *General definitions.*

\* \* \* \* \*

**[Sec. 105. Grants to States and public or private agencies and organizations.]**  
*Sec. 105. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations.*

**[Sec. 106. Grants to States for child abuse and neglect prevention and treatment programs.]**  
*Sec. 106. Grants to States for child abuse or neglect prevention and treatment programs.*

\* \* \* \* \*

**[TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT.]**

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

Sec. 201. \* \* \*

\* \* \* \* \*

**[Sec. 204. Repealed.**  
**[Sec. 205. Application.**  
**[Sec. 206. Local program requirements.**  
**[Sec. 207. Performance measures.**  
**[Sec. 208. National network for community-based family resource programs.**  
**[Sec. 209. Definitions.**  
**[Sec. 210. Authorization of appropriations.]**  
*Sec. 204. Application.*  
*Sec. 205. Local program requirements.*  
*Sec. 206. Performance measures.*

Sec. 207. National network for community-based family resource programs.

Sec. 208. Definitions.

Sec. 209. Authorization of appropriations.

\* \* \* \* \*

SEC. 2. FINDINGS.

Congress finds that—

[(1) each year, approximately 900,000 American children are victims of abuse and neglect;]

(11) in fiscal year 2008, approximately 772,000 children were found by States to be victims of child abuse and neglect;

(2)(A) more children suffer neglect than any other form of maltreatment and close to 1/3 of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone; and

(B) investigations have determined that approximately [60 percent] 71 percent of children who were victims of maltreatment in [2001] fiscal year 2008 suffered neglect, [19 percent] 16 percent suffered physical abuse, [10 percent] 9 percent suffered sexual abuse, [and 7 percent suffered emotional maltreatment] 7 percent suffered psychological maltreatment, 2 percent experienced medical neglect, and 9 percent were victims of other forms of maltreatment;

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

(B) in [2001, an estimated 1,300] fiscal year 2008, an estimated 1,740 children were counted by child protection services to have died as a result of abuse or neglect; and

(C) in fiscal year 2008, children younger than 1 year old comprised [41 percent] 45 percent of child [abuse] maltreatment fatalities and [85 percent] 72 percent of child [abuse] maltreatment fatalities were younger than [6 years] 4 years of age;

(4)(A) \* \* \*

(B) [slightly less than half of these children (42 percent in 2001) and their families fail to receive adequate protection or treatment;] approximately 37 percent of victims of child abuse did not receive post-investigation services in fiscal year 2008;

(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;

[(5)] (6) the problem of child abuse and neglect requires a comprehensive approach that—

(A) integrates the work of social service, legal, health, mental health, domestic violence services, education, and substance abuse agencies and community-based organizations;

\* \* \* \* \*

[(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;]

(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;

[(6)](7) \* \* \*

[(7)](8) \* \* \*  
[(8)](9) \* \* \*  
[(9)](10) \* \* \*  
[(10)](11) \* \* \*

(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;

[(11)](13) \* \* \*

[(12)](14) the [Federal government] 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; and

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

(A) \* \* \*

\* \* \* \* \*

**SEC. 3. GENERAL DEFINITIONS.**

*In this Act—*

(1) the term “child” means a person who has not attained the lesser of—

(A) the age of 18; or

(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

(2) the term “child abuse and neglect” means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

(3) the term “child with a disability” means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432);

(4) the term “Governor” means the chief executive officer of a State;

(5) the terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

(6) the term “Secretary” means the Secretary of Health and Human Services;

(7) except as provided in section 106(f), the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(8) the term “unaccompanied homeless youth” means an individual who is described in paragraphs (2) and (6) of section 725

*of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).*

\* \* \* \* \*

**SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.**

(a) APPOINTMENT.—\* \* \*

\* \* \* \* \*

(c) COMPOSITION.—\* \* \*

(1) \* \* \*

\* \* \* \* \*

(4) **【**medicine (including pediatrics)**】**; *health care providers (including pediatricians)*

\* \* \* \* \*

(12) family rights groups; **【**and

(13) children’s rights advocate**【.**]; and

(14) *Indian tribes or tribal organizations.*

\* \* \* \* \*

(f) DUTIES.—\* \* \*

(1) recommendations on coordinating Federal, State, *tribal*, and local child abuse and neglect activities with similar activities at the Federal, State, *tribal*, and local level pertaining to family violence prevention;

(2) specific modifications needed in **【**Federal and State**】** *Federal, State, and tribal* laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of **【**abuse or neglect which**】** *child abuse or neglect which* place a child in danger; and

\* \* \* \* \*

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

(a) ESTABLISHMENT.—The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse *and neglect*.

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

**【**(1) maintain, coordinate, and disseminate information on 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;**】**

*(1) maintain, coordinate, and disseminate information on effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for broad-scale implementation and replication;*

*(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse and neglect;*

(3) *maintain and disseminate information on best practices relating to differential response;*

~~[(2)](4)~~ maintain and disseminate information about the best practices used for achieving improvements in child protective systems;

~~[(3)](5)~~ maintain and disseminate information relating to—  
(A) \* \* \*

(B) the incidence of such cases in populations determined by the Secretary under section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988 (42 U.S.C. 5105 note); and

(C) the incidence of any such cases related to ~~alcohol or drug~~ substance abuse;

~~[(4)](6)~~ provide technical assistance upon request that may include an evaluation or identification of—

(A) \* \* \*

\* \* \* \* \*

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

~~[(5)](7)~~ collect and disseminate information relating to various training resources available at the State and local level to—

(A) \* \* \*

(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, ~~and child welfare personnel.~~ *child welfare, substance abuse treatment services, and domestic violence services personnel; and*

*(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.*

(c) COORDINATION WITH AVAILABLE RESOURCES.—

(1) IN GENERAL.—\* \* \*

(A) \* \* \*

~~[(B) consult with the head of each agency involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses on the development of the components for information collection and management of such clearinghouse;]~~

*(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;*

(C) develop a Federal data system involving the elements under subsection (b) which, to the extent practicable, coordinates existing Federal, State, *tribal*, regional, and local child welfare data systems which shall include—

(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports; ~~and~~

(ii) \* \* \*

(iii) information about the incidence and characteristics of child abuse and neglect in circumstances in which domestic violence is present; and

(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;

\* \* \* \* \*

(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] *victims of child abuse or neglect*; and

\* \* \* \* \*

**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 abuse or neglected children] *from child abuse or neglect, and to improve the well-being of victims of child abuse or neglect*, with at least a portion of such research being field initiated. Such research program may focus on—

(A) \* \* \*

(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] *child abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed*;

(C) *effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate*;

[(C)] (D) appropriate, effective and culturally sensitive investigative, administrative, and judicial systems, including multidisciplinary, coordinated decisionmaking procedures with respect to cases of child abuse and neglect;

[(D)] (E) the evaluation and dissemination of best practices, *including best practices to meet the needs of special populations*, consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through [(12)](14) of section 106(a);

[(E)] (F) \* \* \*

(G) *effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between—*

(i) *the child protective service system; and*

(ii)(I) *the medical community, including providers of mental health and developmental disability services; and*

(II) *providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect;*

[(F)] (H) \* \* \*

(I) *effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their nonabusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;*

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

(K) *the impact of child abuse and neglect on the incidence and progression of disabilities;*

(L) *the nature and scope of effective practices relating to differential response, including an analysis of best practices conducted by the States;*

(M) *child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities;*

[(H)] (N) *the information on the national incidence of child abuse and neglect specified in [clauses (i) through (xi) of subparagraph (H)] clauses (i) through (x) of subparagraph (O); and*

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

(i) *the extent to which incidents of child abuse and neglect are increasing or decreasing in number and severity;*

(ii) *the incidence of substantiated and unsubstantiated reported child abuse and neglect cases;*

\* \* \* \* \*

(v) *the extent to which the lack of adequate resources and the lack of adequate training of individuals required by law to report suspected cases of [child abuse have] child abuse and neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;*

\* \* \* \* \*

(x) *the incidence and outcomes of [abuse] child abuse and neglect 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 [subparagraphs (i) through (ix) of paragraph (1)(I) ] *clauses (i) through (x) of paragraph (1)(O)*.

(3) REPORT.—Not later than 4 years after the date of the enactment of the [Keeping Children and Families Safe Act of 2003] *CAPTA Reauthorization Act of 2010*, 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).

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

[(B) Not] (B) *PUBLIC COMMENT*.—Not later [than 2] *than one* years after the date of enactment of the [Keeping Children and Families Safe Act of 2003] *CAPTA Reauthorization Act of 2010*, 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.

(4) *STUDY ON SHAKEN BABY SYNDROME*.—The Secretary shall conduct a study that—

(A) *identifies data collected on shaken baby syndrome; W*

(B) *determines the feasibility of collecting uniform, accurate data from all States regarding—*

(i) *incidence rates of shaken baby syndrome;*

(ii) *characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and*

(iii) *characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained*

(b) PROVISION OF TECHNICAL ASSISTANCE.—

(1) *IN GENERAL*.—The Secretary shall provide technical assistance to State and local public and private agencies and community-based organizations, including disability organizations and persons who work with children with disabilities *and providers of mental health, substance abuse treatment, and domestic violence prevention services*, 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.

\* \* \* \* \*

(3) DISSEMINATION.—\* \* \*

(A) \* \* \*

(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, [and child welfare personnel] *child welfare, substance abuse, and domestic violence services personnel* in appropriate methods of interacting during investigative, administrative, and judicial proceedings with chil-

dren who have been [subjected to abuse.] *subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.*

\* \* \* \* \*

(d) PEER REVIEW FOR GRANTS.—

(1) ESTABLISHMENT OF PEER REVIEW PROCESS.—[(A) The Secretary shall, in consultation with experts in the field and other federal agencies<sup>1</sup> establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for grants under this section and determining the relative merits of the projects for which such assistance is requested. The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.]

(A) IN GENERAL.—To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested.

[(B) In establishing the process required by subparagraph (A), The Secretary shall appoint to the peer review panels only members who are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise in the application to be reviewed, and who are not individuals who are officers or employees of the Administration on Children and Families. The panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but may not meet less than once a year. The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committee.]

(B) MEMBERS.—*In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who—*

*(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and*

*(ii) are not individuals who are officers or employees of the Administration for Children and Families.*

(C) MEETINGS.—*The peer review panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but shall meet not less often than once a year.*

(D) CRITERIA AND GUIDELINES.—*The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts.*

\* \* \* \* \*

(3) NOTICE OF APPROVAL.—~~[(A) The]~~ (A) *MERITORIOUS PROJECTS*.—The Secretary shall provide grants and contracts under this section from among the projects which the peer review panels established under paragraph (1)(A) have determined to have merit.

~~[(B) In]~~ (B) *EXPLANATION*.—In the instance in which the Secretary approves an application for a program without having approved all applications ranked above such application (as determined under paragraph (2)(B)), the Secretary shall append to the approved application a detailed explanation of the reasons relied on for approving the application and for failing to approve each pending application that is superior in merit, as indicated on the list under paragraph (2)(B).

(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, ~~[(States or] entities that are States, Indian tribes or tribal organizations, or public or private agencies or organizations (or combinations of [such agencies or organizations] such entities)~~ for time-limited, demonstration projects for the following:

(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—\* \* \*

~~(A)~~ \* \* \*

(B) to ~~[(safely facilitate the)]~~ *facilitate the safe* 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 *child care and early childhood education and care providers*, ~~[(pre-school] preschools,~~ and elementary and secondary schools.

\* \* \* \* \*

**SEC. 105. GRANTS TO ~~[(STATES)] STATES, INDIAN TRIBES OR TRIBAL ORGANIZATION, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.~~**

(a) GRANTS FOR PROGRAMS AND PROJECTS.—The Secretary may make grants to, and enter into contracts with, ~~[(States,)] entities that are States, Indian tribes or tribal organizations, or public agencies or private agencies or organizations (or combinations of [such agencies or organizations] such entities)~~ for programs and projects for the following purposes:

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

(A) for the training of professional and paraprofessional personnel in the fields of *health care*, medicine, law enforcement, judiciary, social work and child protection, education, *child care*, 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 *and neglect*;

(B) to improve the recruitment, selection, and training of volunteers serving in public and private children, youth, and family service organizations in order to prevent child abuse and neglect;

\* \* \* \* \*

(D) for training to [support the enhancement of linkages between] *enhance linkages among* 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] *entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships* between child protective service agencies and health care agencies that [offer creative approaches to using] *support the coordinated use of* 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 meet the unique needs of children with disabilities, including promoting interagency collaboration;*

[(E)] (F) \* \* \*

[(F)] (G) \* \* \*

(H) *for the training of personnel in childhood development including the unique needs of children under age 3;*

[(G)] (I) \* \* \*

[(H)] (J) 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] *other public and private welfare agencies, and agencies that provide early intervention services* to promote child safety, permanence, and family stability;

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

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

- (i) professionals and paraprofessional personnel concerned with the welfare of [disabled infants] *infants or toddlers with disabilities* with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and
- (ii) the parents of such infants[.]; and

(M) *for the training of personnel in best practices relating to the provision of differential response.*

(2) TRIAGE PROCEDURES.—\* \* \*

(A) \* \* \*

\* \* \* \* \*

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

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

[(4) KINSHIP CARE.—

[(A) IN GENERAL.—The] (4) *KINSHIP CARE*.—*The Secretary may award grants to public and private 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.*

(5) LINKAGES [BETWEEN] *AMONG* CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, [AND DEVELOPMENTAL DISABILITIES] *SUBSTANCE ABUSE, DEVELOPMENTAL DISABILITIES, AND DOMESTIC VIOLENCE SERVICE AGENCIES*.—The Secretary may award grants to entities that provide linkages [between] *among* State or local child protective service agencies and public health, [mental health, and developmental disabilities agencies, for] *mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for the purpose of establishing linkages that are designed to [help assure] ensure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated, in accordance with all applicable Federal and State privacy laws.*

(6) *COLLABORATIONS BETWEEN CHILD PROTECTIVE SERVICE ENTITIES AND DOMESTIC VIOLENCE SERVICE ENTITIES*.—*The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the non-abusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent.*

(b) DISCRETIONARY GRANTS.—\* \* \*

(1) \* \* \*

\* \* \* \* \*

(4)(A) Providing hospital-based information and referral services to—

(i) \* \* \*

(ii) children who have been [neglected or abused] *victims of child abuse or neglect* and their parents.

(B) \* \* \*

- (i) \* \* \*
- (ii) upon the treatment of a child for [abuse or neglect] *child abuse and neglect*.

(C) \* \* \*

- (i) \* \* \*

\* \* \* \* \*

(iii) the provision of appropriate information to parents of a child who has [been neglected or abused] *been a victim of child abuse or neglect* regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child and reduce the possibility of [abuse or neglect] *child abuse and neglect*;

\* \* \* \* \*

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

- (i) \* \* \*

\* \* \* \* \*

**[SEC. 106. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.] SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR 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] *from allotments made under subsection (f) for 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) the intake, assessment, screening, and investigation of reports of [abuse and neglect] *child abuse or neglect*;

(2)(A) creating and improving the use of multidisciplinary teams and interagency, *intra-agency, interstate, and intrastate* protocols to enhance investigations; and

(B) improving legal preparation and representation, including—

- (i) procedures for appealing and responding to appeals of substantiated reports of [abuse and neglect] *child abuse or neglect*; and

\* \* \* \* \*

(4) enhancing the general child protective system by developing, improving, and implementing risk and safety assessment tools and protocols *including the use of differential response*;

\* \* \* \* \*

(6) developing, strengthening, and facilitating training including—

(A) training regarding research-based strategies, *including the use of differential response*, to promote collaboration with the families;

(B) training regarding the legal duties of such individuals; [and]

(C) personal safety training for case [workers;] *workers*; and

*(D) training in early childhood, child, and adolescent development;*

\* \* \* \* \*

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

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

*(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;*

[(10)](9) \* \* \*

(A) \* \* \*

(B) financial assistance; [and]

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

*(D) the use of differential response in preventing child abuse and neglect;*

[(11)](10) 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, *including the use of differential response;*

[(12)](11) \* \* \*

[(13)](12) 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)](13) [supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs] *supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs— [to provide] (A) to provide child abuse and neglect prevention and treatment services (including linkages with education [systems) and] systems), and the use of differential response; and [to address] (B) to address the health needs, including mental health needs, of children identified as [abused or neglected] victims of child abuse or neglect; including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports[.]; or*

*(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—*

*(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and*

*(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their non-abusing parents.*

(b) ELIGIBILITY REQUIREMENTS.—

[(1) STATE PLAN.

[(A) IN GENERAL.— To be eligible to receive a grant under this section, a State shall, at the time of the initial grant application and every 5 years thereafter, prepare and submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State intends to address with amounts received under the grant.

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

[(i) of any substantive changes; and 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.]

(1) STATE PLAN.—

(A) IN GENERAL.—*To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.*

(B) DURATION OF PLAN.—*Each State plan shall—*

*(i) remain in effect for the duration of the State's participation under this section; and*

*(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State's strategies and programs under this section.*

(C) ADDITIONAL INFORMATION.—*The State shall provide notice to the Secretary—*

*(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and*

*(ii) of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities 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—]

(2) CONTENTS.—*A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including—*

*(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under*

part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;

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

(i) \* \* \*

(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born with and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder, including a 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—

(I) establish a definition under Federal law of what constitutes child abuse or neglect; or

(II) \* \* \*

(iii) the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms, or a Fetal Alcohol Spectrum Disorder;

\* \* \* \* \*

(v) triage procedures, including the use of differential response, for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;

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

\* \* \* \* \*

(ix) 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] child abuse and neglect;

\* \* \* \* \*

(xi) 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] and neglect;

\* \* \* \* \*

(xiii) provisions and procedures requiring that in every case involving **[an abused or neglected child]** *a victim of child abuse or neglect* which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, *including training in early childhood, child, and adolescent development*, 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—

\* \* \* \* \*

(xv) \* \* \*

(I) \* \* \*

(II) by which individuals who disagree with an official finding of **[abuse or neglect]** *child abuse or neglect* can appeal such finding;

(xvi) \* \* \*

(I) \* \* \*

\* \* \* \* \*

(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter**;** **[; or];**

(IV) \* \* \*

(V) *to have committed sexual abuse against the surviving child or another child of such parent; or*

(VI) *to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));*

\* \* \* \* \*

(xviii) 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]** *abuse or 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;

\* \* \* \* \*

(xxi) 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 early intervention services funded under part C of the Individuals with Disabilities Education **[Act; and]** *Act (20 U.S.C. 1431 et seq.);*

(xxii) **[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 *that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))* for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household; *and*

(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;

**[(B)] (C)** an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from **[disabled infants with]** *infants with disabilities who have life-threatening conditions*), procedures or programs, or both (within the State child protective services system), to provide for—

(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;

(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from **[disabled infants with]** *infants with disabilities who have life-threatening conditions*); and

(iii) authority, under State law, for State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from **[disabled infants with]** *infants with disabilities who have [life threatening] life-threatening conditions*;

**[(C)](D)** \* \* \*

(i) \* \* \*

(ii) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect; **[and]**

(iii) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect; **[and]**

(iv) *policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;*

(v) *policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and*

(vi) *policies and procedures regarding the use of differential response, as applicable;*

**[(D)] (E)** an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act (42

*U.S.C. 621 et seq.*) comply with the requirements set forth in paragraph (1) and this paragraph [1.];

(F) an assurance certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support *services* and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and *meet the requirements of* the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.

Nothing in [subparagraph (A)] *subparagraph (B)* 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 families.

(3) LIMITATION.—With regard to clauses (vi) and (vii) of [paragraph (2)(A)] *paragraph (2)(B)*, 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) ESTABLISHMENT.—

(A) IN GENERAL.—\* \* \*

\* \* \* \* \*

(2) MEMBERSHIP.—Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect, *and may include adult former victims of child abuse or neglect.*

\* \* \* \* \*

(4) FUNCTIONS.—

(A) IN GENERAL.—\* \* \*

(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 (42 U.S.C. 670 et seq.); and

\* \* \* \* \*

(d) ANNUAL STATE DATA REPORTS.— \* \* \*

(1) The number of children who were reported to the State during the year **as abused or neglected** *as victims of child abuse or neglect*

\* \* \* \* \*

(4) The number of families that received preventive services, including use of differential response, from the State during the year.

\* \* \* \* \*

**[(7) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.]**

(7)(A) *The number of child protective service personnel responsible for the—*

- (i) *intake of reports filed in the previous year;*
- (ii) *screening of such reports;*
- (iii) *assessment of such reports; and*
- (iv) *investigation of such reports.*

(B) *The average caseload for the workers described in subparagraph (A).*

\* \* \* \* \*

(9) The response time with respect to the provision of services to families and children where an allegation of **abuse or neglect** *child abuse or neglect* has been made.

**[(10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.]**

(10) *For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—*

(A) *information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;*

(B) *data on the education, qualifications, and training of such personnel;*

(C) *demographic information of the child protective service personnel; and*

(D) *information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.*

(11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse **and neglect** *or neglect*, including the death of the child.

\* \* \* \* \*

(15) *The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).*

(16) *The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).*

(e) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (d), the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse and neglect.

(f) ALLOTMENTS.—

(1) DEFINITIONS.—*In this subsection:*

(A) FISCAL YEAR 2009 GRANT FUNDS.—*The term “fiscal year 2009 grant funds” means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).*

(B) GRANT FUNDS.—*The term “grant funds” means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).*

(C) STATE.—*The term “State” means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.*

(D) TERRITORY.—*The term “territory” means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.*

(2) IN GENERAL.—*Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—*

(A) \$50,000; and

(B) *an amount that bears the same relationship to any grant funds remaining after all such States and territories have received \$50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.*

(3) ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—*In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.*

(4) ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

(A) MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATIONS YEARS.—*In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—*

(i) \$100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000 but less than \$2,000,000;

(ii) \$125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$2,000,000 but less than \$3,000,000; and

(iii) \$150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$3,000,000.

(B) ALLOTMENT ADJUSTMENT.—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

(5) HOLD HARMLESS.—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.

\* \* \* \* \*

**SEC. 107. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.**

(a) GRANTS TO STATES.—\* \* \*

\* \* \* \* \*

[(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

[(2) the handling of cases of suspected child abuse or neglect related fatalities;]

(1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;

(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;

(3) the investigation and prosecution of cases of child abuse and neglect, [particularly] including child sexual abuse and exploitation; and

(4) [the handling] the assessment and investigation of cases involving children with disabilities or serious health-related problems who are [victims of abuse] suspected victims of child abuse or neglect.

(b) ELIGIBILITY REQUIREMENTS.—\* \* \*

(1) fulfill the requirements of [section 107(b)] section 106(b);

\* \* \* \* \*

(c) STATE TASK FORCES.—

(1) GENERAL RULE.—\* \* \*

(A) \* \* \*

\* \* \* \* \*

- (G) parents; **[and]**
- (H) representatives of parents' groups**【.】**;
- (I) *adult former victims of child abuse or neglect; and*
- (J) *individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).*

\* \* \* \* \*

(d) STATE TASK FORCE STUDY.— \* \* \*

(1) review and evaluate State investigative, administrative and both civil and criminal judicial handling of cases of child abuse and neglect, **[particularly]** *including* child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal; and

\* \* \* \* \*

(e) ADOPTION OF STATE TASK FORCE RECOMMENDATIONS.—

(1) GENERAL RULE.— \* \* \*

(A) investigative, administrative, and judicial handling of cases of child abuse and neglect, **[particularly]** *including* child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused;

(B) experimental, model, and demonstration programs for testing innovative approaches and techniques which may **[improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse cases]** *improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children,* and which also ensure procedural fairness to the accused; and

(C) reform of State laws, ordinances, regulations, protocols, and procedures to provide comprehensive protection for children **[from abuse]** *from child abuse and neglect [particularly] including* child sexual abuse and exploitation, while ensuring fairness to all affected persons.

\* \* \* \* \*

(f) FUNDS AVAILABLE.—For grants under this section, the Secretary shall use the amount authorized by section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a).

\* \* \* \* \*

**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.]

(d) SENSE OF CONGRESS.—*It is the sense of Congress that the Secretary should encourage all States and public and private entities that receive assistance under this title to—*

(1) *ensure that children and families with limited English proficiency who participate in programs under this title are provided with materials and services through such programs in an appropriate language other than English; and*

(2) *ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities.*

\* \* \* \* \*

**SEC. 110. REPORTS.**

[(a) COORDINATION EFFORTS.—Not later than March 1 of the second year following the date of enactment of the Child Abuse Prevention, Adoption, and Family Services Act of 1988 and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report on efforts during the 2-year period preceding the date of the report to coordinate the objectives and activities of agencies and organizations which are responsible for programs and activities related to child abuse and neglect.

[(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than two years after the first fiscal year for which funds are obligated under section 1404A of the Victims of Crime Act of 1984<sup>1</sup>, the Secretary shall submit to the appropriate committees of Congress a report evaluating the effectiveness of assisted programs in achieving the objectives of section 107.]

(a) COORDINATION EFFORTS.—*Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after that date of enactment, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following that date of enactment. Not later than 5 years after that date of enactment, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following that date of enactment.*

(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—*Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010 and every 2 years thereafter,*

*the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 106 in achieving the objectives of section 106.*

**[(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).**]**

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

**(1) IN GENERAL.—***The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 106(c), in achieving the stated function of such panels under section 106(c)(4)(A) of—*

*(A) examining the policies, procedures, and practices of State and local child protection agencies; and*

*(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 106(c)(4)(A).*

**(2) CONTENT OF STUDY.—***The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:*

*(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.*

*(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.*

*(C) Evidence of the adherence and responsiveness to the reporting requirements under section 106(c)(6) by citizen review panels and States.*

**(3) REPORT.—***Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).*

\* \* \* \* \*

**SEC. 111. DEFINITIONS.**

For purposes of this title—

[(1) the term “child” means a person who has not attained the lesser of—

[(A) the age of 18; or

[(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

[(2) the term “child abuse and neglect” means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

[(3) the term “Secretary” means the Secretary of Health and Human Services;]

[(7)] (1) *the term “Alaska Native” has the meaning given the term “Native” in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);*

[(8)] (2) *the term “infant or toddler with a disability” has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432);*

[(10)] (3) *the term “Native Hawaiian” has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517); [and]*

(4) the term “sexual abuse” includes—

(A) \* \* \*

(B) the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children; *and*

[(5) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;]

[(6)](5) term “withholding of medically indicated treatment” means the failure to respond to the infant’s life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician’s or physicians’ reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician’s or physicians’ reasonable medical judgment—

(A) \* \* \*

(B) \* \* \*

(C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane[.];

[(9) the terms “Indian”, “Indian tribe”, “tribal organization” have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);]

[(11) the term “unaccompanied homeless youth” means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).]

\* \* \* \* \*

**SEC. 112. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—

(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title \$120,000,000 for fiscal year [2004] 2010 and such sums as may be necessary for each of the fiscal years [2005 through 2008] 2011 through 2015.

\* \* \* \* \*

**SEC. 113. RULE OF CONSTRUCTION.**

(a) IN GENERAL.— \* \* \*

\* \* \* \* \*

(2) to require that a state find, or to prohibit a State from finding, [abuse or neglect] *child abuse or neglect* in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

\* \* \* \* \*

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

***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 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]

*(1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of 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 community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect [(through networks where appropriate)] that are accessible, effective, culturally appropriate, and build upon existing strengths that—

(A) \* \* \*

\* \* \* \* \*

(E) improve family access to other formal and informal resources and opportunities for assistance available within communities, *including access to such resources and opportunities for unaccompanied homeless youth*;

\* \* \* \* \*

[(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]

*(G) demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and*

\* \* \* \* \*

(2) fostering the development of a continuum of preventive services for children and families, *including unaccompanied homeless youth*, through State and community-based collaborations and partnerships both public and private;

(3) financing the start-up, maintenance, expansion, or redesign of specific [family resource and support program] *community-based child abuse and neglect prevention programs* services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, *substance abuse treatment services, domestic violence services*, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of [community-based family resource and support program] to the extent practicable given funding levels and community priorities;

(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 *and reporting*, reporting and evaluation costs for establishing, operating, or expanding community-based and prevention-focused[, ] programs and activities designed to strengthen and support families 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】** *Governor* of the State has designated a lead entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance, or expand community-based and prevention-focused, programs and activities designed to strengthen and support families 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;

(C) in determining which entity to designate under subparagraph (A), the **【chief executive officer】** *Governor* should give priority consideration equally to a trust fund advisory board of the State or existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

(D) in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this title (as such title was in effect on the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the **【chief executive officer】** *Governor* shall designate the lead entity only after full consideration of the capacity and expertise of all entities desiring to be designated under subparagraph (A);

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

(A) community-based and prevention-focused programs and activities designed to strengthen and support families 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, *adult former victims of child abuse or neglect*, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

(B) direction through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, *adult former victims of child abuse or neglect*, and public sector and private nonprofit sector service providers, and parents with disabilities; and

(C) direction and oversight 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】** *Governor* 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 community-based and prevention-focused programs and activities designed to strengthen and support families 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 community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect **【(through networks where appropriate)】**;

(C) has the capacity to provide operational support, (both financial and programmatic) training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect **【(through networks where appropriates)】**, 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) RESERVATION.—\* \* \*

(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)】** (A) 70 PERCENT.—70 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 number of children under the age of 18 residing in the State bears to the total number of children under the age of 18 residing in all States (except that no State shall receive less than \$175,000 under this subparagraph).

[(B)] (B) 30 PERCENT.—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 of private, State or other non-Federal funds leveraged and directed through the currently designated State lead entity 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 entity of such States in the preceding fiscal year.

\* \* \* \* \*

**SEC. [205]204. APPLICATION.**

\* \* \* \* \*

(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 community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect [(through networks where appropriate)] which meets the requirements of section 202;

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

\* \* \* \* \*

(4) a budget for the development, operation, and expansion of the community-based and prevention-focused programs and activities designed to strengthen and support families 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:

\* \* \* \* \*

(6) [an assurance that the State has the] *a description of the State's capacity to ensure the meaningful involvement of parents who are [consumers and] consumers, of family advocates, and of adult former victims of child abuse or neglect, who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;*

(7) a description of the criteria that the entity will use to develop, or select and fund, community-based and prevention-focused programs and activities designed to strengthen and sup-

port families 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 and prevention-focused programs [and activities] designed to strengthen and support families 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, *unaccompanied homeless youth*, and members of other underserved or underrepresented groups;

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

\* \* \* \* \*

(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 community-based prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect services to children and families; and

\* \* \* \* \*

**SEC. [206]205 LOCAL PROGRAM REQUIREMENTS.**

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

(1) assess community assets and needs through a planning process that involves [parents and] *parents*, local public agencies, local nonprofit organizations, and private sector representatives *in meaningful roles*;

(2) develop [a strategy to provide, over time;] *a comprehensive strategy to provide a continuum of preventive, [family centered] family-centered services to children and families, especially to young parents [and parents with young children,], to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect,* through public-private partnerships;

[(3)provide—

[(A) core family resource and support services such as—

[(i) parent education, mutual support and self help, and leadership services;

[(ii) outreach services;

[(iii) community and social service referrals; and

[(iv) follow-up 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]

(3)(A) *provide for core child abuse and neglect prevention services, which may be provided directly by the local recipient*

of the grant funds or through grants or agreements with other local agencies, such as—

- (i) parent education, mutual support and self help, and parent leadership services;
- (ii) respite care services;
- (iii) outreach and followup services, which may include voluntary home visiting services; and
- (iv) community and social service referrals; and

[(C)] (B) provide access to optional services, including—

(i) \* \* \*

[(ii) child care, early childhood development and intervention services;] (ii) child care, early childhood education and care, and intervention services;

(iii) referral to services and supports to meet the additional needs of families with children with disabilities and parents who are individuals with disabilities;

\* \* \* \* \*

(v) referral to educational services, such as [scholastic tutoring] academic tutoring, literacy training, and General Educational Degree services;

\* \* \* \* \*

(vii) community referral services, including early developmental screening of children; [and]

(viii) peer counseling; and

(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.

\* \* \* \* \*

(5) provide leadership in mobilizing local public and private resources to support the provision of needed [family resource and support program] child abuse and neglect prevention program services; and

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

(b) PRIORITY.—In awarding local grants under this title, a lead entity shall give priority to effective community-based programs serving [low income] low-income communities and those serving young parents or parents with young children, including community-based [family resource and support programs.] child abuse and neglect prevention programs.

\* \* \* \* \*

**SEC. [207] 206. PERFORMANCE MEASURES.**

\* \* \* \* \*

(1) shall demonstrate the effective development, operation, and expansion of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that meets the requirements of this title;

(2) shall supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202 *which description shall specify whether those services are supported by research;*

\* \* \* \* \*

(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 community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and in the design, operation, and evaluation of the networks of such community-based and prevention-focused programs;

\* \* \* \* \*

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

(7) shall describe **the results of a peer review process conducted under the State program; and** *the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes of the program; and*

\* \* \* \* \*

**SEC. [208] 207 NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY SOURCE PROGRAMS.**

\* \* \* \* \*

- (1) to create, operate, and maintain a peer review process;
- (2) to create, operate, and maintain an information clearinghouse;

\* \* \* \* \*

- (4) to create, operate, and maintain a computerized communication system between lead entities; and

\* \* \* \* \*

**SEC. [209] 208 DEFINITIONS.**

For purposes of this title:

**[(1) CHILDREN WITH DISABILITIES.—**The term “children with disabilities” has the same meaning 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.**]**

**[(2)](1) COMMUNITY REFERRAL SERVICES.— \* \* \***

**[(3)](2) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.— \* \* \***

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

(A) are in danger of [abuse or neglect] *child abuse or neglect*;

(B) have experienced [abuse or neglect] *child abuse or neglect*; or

(C) [have disabilities, chronic, or terminal illnesses. Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.] *have disabilities or chronic or terminal illnesses.*

\* \* \* \* \*

**SEC. [210] 209 AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$80,000,000 for fiscal year [2004] *2010* such sums as may be necessary for each of the fiscal years [2005 through 2008] *2011 through 2015.*

\* \* \* \* \*

**[FAMILY VIOLENCE PREVENTION AND SERVICES ACT]**

**[SHORT TITLE]**

[SEC. 301. This title may be cited as the “Family Violence Prevention and Services Act”.]

**[DECLARATION OF PURPOSE]**

[SEC. 302. It is the purpose of this title to—

[(1) 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

[(2) provide for technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies, courts, legal, social service, and health care professionals), nonprofit private organizations, and other persons seeking such assistance.]

**[STATE DEMONSTRATION GRANTS AUTHORIZED]**

[SEC. 303. (a)(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents, the Secretary is authorized, in accordance with the provisions of this title, to make grants to States.

[(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) provide that funds provided under this subsection will be distributed in demonstration grants<sup>3</sup> to local public agencies and nonprofit private organizations (including religious and charitable organizations, and voluntary associations) for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents;

[(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

[(i) not more than 5 percent of such funds will be used for State administrative costs; and

[(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by nonprofit private organizations, the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.

[(C) set forth procedures designed to involve 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, as defined in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2);

[(D) specify the State agency to be designated as responsible for the administration of programs and activities relating to family violence which are carried out by the State under this title and for coordination of related programs within the State;

[(E) provide documentation that procedures have been developed, and implemented including copies of the policies and procedure, to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this title and provide assurances that the address or location of any shelter-facility assisted under this title will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

[(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

[(G) meet such requirements as the Secretary reasonably determines are necessary to carry out the purposes and provisions of this title.

[(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and after a 6-month period providing an opportunity for correction of any deficiencies. The Sec-

retary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 311 shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph.

[(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 shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).

[(b)(1) The Secretary, from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants to Indian tribes, tribal organizations and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation for projects designed to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

[(2) No grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (C) (with respect only to involving knowledgeable individuals and organizations), (D), (E) and (F) of subsection (a)(2). No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section.

[(3) In the case of a project for which the initial application for a demonstration grant under this subsection is made on or after the date of the enactment of the Child Abuse Programs, Adoption

Opportunities, and Family Violence Prevention Amendments Act of 1992, the terms “Indian tribe” and “tribal organization”, for purposes of this subsection, have the meaning given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.

[(c) The Secretary shall use funds provided under section 310(a)(2), for a fiscal year described in section 310(a)(2), to award grants for demonstration programs that provide—

[(1) multisystem interventions and services (either directly or by referral) for children who witness domestic violence; and

[(2) training (either directly or by referral) for agencies, providers, and other entities who work with such children.

[(d) No funds provided through demonstration grants made under this section may be used as direct payment to any victim of family violence or to any dependent of such victim.

[(e) No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title.

[(f) No grant may be made under this section to any entity other than a State or an Indian Tribe unless the entity provides for the following non-Federal matching local share as a proportion of the total amount of funds provided under this title to the project involved: with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this title.

[(g) The Secretary shall assure that not less than 70 percent of the funds distributed under subsection (a) or (b) shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence and their dependents as defined in section 320. Not less than 25 percent of the funds distributed under subsection (a) or (b) shall be distributed for the purpose of providing related assistance as defined under section 320(5)(A).]

#### 【ALLOTMENT OF FUNDS】

【SEC. 304. (a) From the sums appropriated under section 310 and available for grants to States under this subsection for any fiscal year—

[(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than  $\frac{1}{8}$  of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

[(2) each State shall be allotted for payment in a grant authorized under section 303(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

[(b) For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if

available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title, 13, United States Code.

[(c) If the sums appropriated under section 310 for any fiscal year and available for grants to States authorized under section 303(a) are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the maximum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.]

[(d)(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to a State has not been made available to such State in grants under section 303(a) because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallocate such amount to States which meet such requirements.]

[(2) Funds made available by the Secretary through reallocation under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallocation.]

[(e) In subsection (a)(2), the term "State" does not include any jurisdiction specified in subsection (a)(1).]

#### [SECRETARIAL RESPONSIBILITIES]

[SEC. 305. (a) The Secretary shall appoint 1 or more employees of the Department of Health and Human Services to carry out the provisions 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) coordinate all programs within the Department of Health and Human Services, and seek to coordinate all other Federal programs, which involve the prevention of incidents of family violence and the provision of assistance for victims and potential victims of family violence and their dependents, and ensure that such activities as they relate to elderly persons are coordinated with the Administration on Aging and the National Institute on Aging within the Department of Health and Human Services;

[(2)(A) 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 sit-

uations, (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—

[(3) provide for the training of personnel and provide technical assistance in the conduct of programs for the prevention and treatment of family violence.]

**[EVALUATION]**

[SEC. 306. 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).]

**[DISCRIMINATION PROHIBITED]**

[SEC. 307. (a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this part are considered to be programs and activities receiving Federal financial assistance.

[(2) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This paragraph shall not be construed as affecting any other legal remedy.

[(b) Whenever the Secretary finds that a State or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subsection (a)(1), with

subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request such officer to secure compliance. If, within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

【(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted,

【(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, sections 504 and 505 of the Rehabilitation Act of 1973, or title IX of the Education Amendments of 1972, as may be applicable, or

【(3) take such other action as may be provided by law.

【(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.】

**【SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.**

【(a) PURPOSE AND GRANTS.—

【(1) PURPOSE.—It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

【(2) GRANTS.—From the amounts appropriated under this title, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed seven special issue resource centers (as provided for in subsection (c)) focusing on one or more issues of concern to domestic violence victims.

【(b) NATIONAL RESOURCE CENTER.—The national resource center established under subsection (a)(2)—

【(1) shall offer resource, policy, collaboration, and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, including issues relating to children who witness domestic violence; and

【(2) shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics, and analyses of the information and statistics, relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

【(c) SPECIAL ISSUE RESOURCE CENTERS.—The special issue resource centers established under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least

one of the following areas of domestic violence service, prevention, or law:

【(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

【(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

【(3) Child custody issues in domestic violence cases.

【(4) The use of the self-defense plea by domestic violence victims.

【(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

【(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation, including the issuance and enforcement of protection orders.

【(7) Providing technical assistance and training to State domestic violence coalitions.

【(d) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

【(1) focuses primarily on domestic violence;

【(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

【(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

【(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

【(e) REPORTING.—Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

【(f) DEFINITION.—For purposes of this section, the term “Indian tribal agency” means an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.】

#### 【SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

【(a) IN GENERAL.—

【(1) AUTHORIZATION.—There are authorized to be appropriated to carry out sections 303 through 311, \$175,000,000 for each of fiscal years 2004 through 2008.

【(2) PROJECTS TO ADDRESS NEEDS OF CHILDREN WHO WITNESS DOMESTIC VIOLENCE.—For a fiscal year in which the amounts appropriated under paragraph (1) exceed \$130,000,000, the Secretary shall reserve and make available a portion of the excess to carry out section 303(c).

【(b) SECTION 303 (a) AND (b).—Of the amounts appropriated under subsection (a) for each fiscal year (and not reserved under subsection (a)(2)), not less than 70 percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

【(c) SECTION 308.—Of the amounts appropriated under subsection (a) for each fiscal year (and not reserved under subsection

(a)(2)), 5 percent shall be used by the Secretary for making grants under section 308.

[(d) GRANTS FOR STATE COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year (and not reserved under subsection (a)(2)), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

[(e) NON-SUPPLANTING REQUIREMENT.—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title.]

**[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) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

[(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

[(B) planning and conducting State needs assessments and planning for comprehensive services;

[(C) serving as an information clearinghouse and resource center for the State; and

[(D) collaborating with other governmental systems which affect battered women;

[(2) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

[(A) the inappropriateness of mutual protection orders;

[(B) the prohibition of mediation when domestic violence is involved;

[(C) the use of mandatory arrests of accused offenders;

[(D) the discouragement of dual arrests;

[(E) the adoption of aggressive and vertical prosecution policies and procedures;

[(F) the use of mandatory requirements for presentence investigations;

[(G) the length of time taken to prosecute cases or reach plea agreements;

[(H) the use of plea agreements;

[(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

[(J) the restitution of victims;

[(K) the use of training and technical assistance to law enforcement, judges, court officers and other criminal justice professionals;

[(L) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

[(M) the use of interstate extradition in cases of domestic violence crimes;

- [(N) the use of statewide and regional planning; and
- [(O) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;
- [(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) the inappropriateness of mutual protection orders;
  - [(B) the prohibition of mediation where domestic violence is involved;
  - [(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;
  - [(D) the use of training and technical assistance for family law judges, criminal court judges, and court personnel;
  - [(E) the presumption of custody to domestic violence victims;
  - [(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary custody support and maintenance;
  - [(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;
  - [(H) the implementation of supervised visitations or denial of visitation to protect against danger to victims or their children; and
  - [(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;
- [(4) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence, including information aimed at undeserved racial, ethnic or language-minority populations; and
- [(5) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 303(a).
- [(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:
  - [(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence in the State.
  - [(2) The board membership of the coalition is representative of such programs.
  - [(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.
  - [(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition—

[(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

[(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

[(c) ALLOTMENT OF FUNDS.—From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to  $\frac{1}{53}$  of the amount appropriated for such fiscal year. For purposes of this section, the term “combined U.S. Territories” means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

[(d) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

[(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

[(2) in connection with legislation or appropriations directly affecting the activities of the entity.

[(e) REPORTING.—Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

[(f) DEFINITION.—For purposes of this section, a State domestic violence coalition may include representatives of Indian tribes and tribal organizations, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

[(g) FUNDING.—Of the amount appropriated under section 310(a) for a fiscal year (and not reserved under section 310(a)(2)), 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) In order to carry out the provisions of this title, the Secretary is authorized to—

[(1) appoint and fix the compensation of such personnel as are necessary;

[(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

[(3) make grants to public and nonprofit private entities or enter into contracts with public or private entities; and

[(4) prescribe such regulations as are reasonably necessary in order to carry out the purposes and provisions of this title.

[Not later than 90 days after the date of enactment of this sentence, the Secretary shall publish proposed regulations implementing sections 303, 308, and 314. Not later than 120 days after

such date of enactment, the Secretary shall publish final regulations implementing such sections.

[(b) Nothing in this title shall be construed to supersede the application of State or local requirements for the reporting of incidents of suspected child abuse to the appropriate State authorities.

[(c) Of the amount appropriated under section 310(a) for each fiscal year (and not reserved under section 310(a)(2)), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.]

**[SEC. 314. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.**

[(a) IN GENERAL.—The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

[(b) APPLICATION.—No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

[(c) REQUIREMENTS.—An application submitted under subsection (b) shall—

[(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

[(2) include a complete description of the plan of the application for the development of a public information campaign;

[(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

[(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

[(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

[(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

[(7) contain such other information as the Secretary may require.

[(d) USE.—A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of con-

veying information that the Secretary determines to be appropriate.

[(e) CRITERIA.—The criteria for awarding grants shall ensure that an applicant—

[(1) will conduct activities that educate communities and groups at greatest risk;

[(2) has a record of high quality campaigns of a comparable type; and

[(3) has a record of high quality campaigns that educate the population groups identified as most at risk.

[(f) For purposes of this section, the term “public or private non-profit entity” includes an “Indian tribe” or “tribal organization”, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.]

### **TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES**

#### **SEC. 301. SHORT TITLE; PURPOSE.**

(a) *SHORT TITLE.*—This title may be cited as the “Family Violence Prevention and Services Act”.

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

(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

(3) provide for a national domestic violence hotline;

(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

#### **SEC. 302. DEFINITIONS.**

In this title:

(1) *ALASKA NATIVE.*—The term “Alaska Native” has the meaning given the term “Native” in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) *DATING VIOLENCE.*—The term “dating violence” has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(3) *DOMESTIC VIOLENCE.*—The term “domestic violence” has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(4) *FAMILY VIOLENCE.*—The term “family violence” means any act or threatened act of violence, including any forceful detention of an individual, that—

(A) results or threatens to result in physical injury; and

(B) is committed by a person against another individual (including an elderly individual) to or with whom such person—

- (i) is related by blood;
- (ii) is or was related by marriage or is or was otherwise legally related; or
- (iii) is or was lawfully residing.

(5) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NATIVE HAWAIIAN.—The term “Native Hawaiian” has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(7) PERSONALLY IDENTIFYING INFORMATION.—The term “personally identifying information” has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(8) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(9) SHELTER.—The term “shelter” means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

(10) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(11) STATE DOMESTIC VIOLENCE COALITION.—The term “State Domestic Violence Coalition” means a statewide nongovernmental nonprofit private domestic violence organization that—

(A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

(B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;

(C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

(D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

(12) SUPPORTIVE SERVICES.—The term “supportive services” means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to

family violence, domestic violence, or dating violence, that are designed to—

(A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

(B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

(13) **TRIBALLY DESIGNATED OFFICIAL.**—The term “tribally designated official” means an individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 309.

(14) **UNDERSERVED POPULATIONS.**—The term “underserved populations” has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). For the purposes of this title, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 40002(a).

**SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

(a) **FORMULA GRANTS TO STATES.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out sections 301 through 312, \$175,000,000 for each of fiscal years 2011 through 2015.

(2) **ALLOCATIONS.**—

(A) **FORMULA GRANTS TO STATES.**—

(i) **RESERVATION OF FUNDS.**—For any fiscal year for which the amounts appropriated under paragraph (1) exceed \$130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 312.

(ii) **FORMULA GRANTS.**—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 306(a).

(B) **GRANTS TO TRIBES.**—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 309.

(C) **TECHNICAL ASSISTANCE AND TRAINING CENTERS.**—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 310.

(D) **GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.**—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

(E) **ADMINISTRATION, EVALUATION AND MONITORING.**—Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evalua-

tion, monitoring, and other administrative costs under this title.

(b) **NATIONAL DOMESTIC VIOLENCE HOTLINE.**—There is authorized to be appropriated to carry out section 313 \$3,500,000 for each of fiscal years 2011 through 2015.

(c) **DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.**—There is authorized to be appropriated to carry out section 314 \$6,000,000 for each of fiscal years 2011 through 2015.

**SEC. 304. AUTHORITY OF SECRETARY.**

(a) **AUTHORITIES.**—In order to carry out the provisions of this title, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as are necessary;

(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

(3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;

(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this title, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this title by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this title; and

(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

(b) **ADMINISTRATION.**—The Secretary shall—

(1) assign 1 or more employees of the Department of Health and Human Services to carry out the provisions of this title, including carrying out evaluation and monitoring under this title, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;

(2) provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—

(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this title and by other governmental or nongovernmental sources of funds; and

(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and

(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

(c) **REPORTS.**—Every 2 years, the Secretary shall review and evaluate the activities conducted by grantees, subgrantees, and contractors under this title and the effectiveness of the programs administered pursuant to this title, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 306(d). The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 306(d).

**SEC. 305. ALLOTMENT OF FUNDS.**

(a) **IN GENERAL.**—From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year—

(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than  $\frac{1}{8}$  of 1 percent of the amounts available for grants under section 306(a) for the fiscal year for which the allotment is made; and

(2) each State shall be allotted for a grant under section 306(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

(b) **POPULATION.**—For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

(c) **RATABLE REDUCTION.**—If the sums appropriated under section 303 for any fiscal year and available for grants to States under section 306(a) are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal

year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(d) *REALLOTMENT.*—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303, the amount allotted to a State has not been made available to such State in a grant under section 306(a) because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallocate such amount to States that meet such requirements.

(e) *CONTINUED AVAILABILITY OF FUNDS.*—All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 306(a), shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 314. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 314, for not more than 1 year from the date on which the funds are made available to the Secretary.

(f) *DEFINITION.*—In subsection (a)(2), the term “State” does not include any jurisdiction specified in subsection (a)(1).

**SEC. 306. FORMULA GRANTS TO STATES.**

(a) *FORMULA GRANTS TO STATES.*—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

(1) to prevent incidents of family violence, domestic violence, and dating violence;

(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

(b) *ADMINISTRATIVE EXPENSES.*—

(1) *ADMINISTRATIVE COSTS.*—Each State may use not more than 5 percent of the grant funds for State administrative costs.

(2) *SUBGRANTS TO ELIGIBLE ENTITIES.*—The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 308.

(c) *GRANT CONDITIONS.*—

(1) *APPROVED ACTIVITIES.*—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

(2) *DISCRIMINATION PROHIBITED.*—

(A) *APPLICATION OF CIVIL RIGHTS PROVISIONS.*—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance.

(B) *PROHIBITION ON DISCRIMINATION ON BASIS OF SEX, RELIGION.*—

(i) *IN GENERAL.*—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

(ii) *ENFORCEMENT.*—The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act (42 U.S.C. 2000d-2) shall apply with respect to any action taken by the Secretary to enforce such clause.

(iii) *CONSTRUCTION.*—This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

(C) *ENFORCEMENT AUTHORITIES OF SECRETARY.*—Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Reha-

bilitation Act of 1973 (29 U.S.C. 794, 794(a)), or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

(iii) take such other action as may be provided by law.

(D) ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL.—

When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(3) INCOME ELIGIBILITY STANDARDS.—No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title. No fees may be levied for assistance or services provided with funds appropriated to carry out this title.

(4) MATCH.—No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for every \$5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

(5) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families.

(B) NONDISCLOSURE.—Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not—

(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

(I) shall be given by—

(aa) the person, except as provided in item (bb) or (cc);

(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian;  
or

(cc) in the case of an individual with a guardian, the individual's guardian; and  
 (II) may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

(C) *RELEASE.*—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) *INFORMATION SHARING.*—Grantees and subgrantees may share—

(i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(E) *OVERSIGHT.*—Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

(F) *STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.*—Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

(G) *PREEMPTION.*—Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

(H) *CONFIDENTIALITY OF LOCATION.*—The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

(6) *SUPPLEMENT NOT SUPPLANT.*—Federal funds made available to a State or Indian tribe under this title shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this title.

(d) *REPORTS AND EVALUATION.*—Each grantee shall submit an annual performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under subsection (a) or section 309, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

**SEC. 307. STATE APPLICATION.**

(a) *APPLICATION.*—

(1) *IN GENERAL.*—The chief executive officer of a State seeking funds under section 306(a) or a tribally designated official seeking funds under section 309(a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(2) *CONTENTS.*—Each such application shall—

(A) provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 306(c) and 308(d);

(B) provide, with respect to funds described in paragraph (1), assurances that—

(i) not more than 5 percent of such funds will be used for administrative costs;

(ii) the remaining funds will be distributed to eligible entities as described in section 308(a) for approved activities as described in section 308(b); and

(iii) in the distribution of funds by a State under section 308(a), the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence and dating violence, and their dependents;

or

(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 308(a) and the administration of the grant programs and projects;

(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 308(b);

(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, and dating violence, that are carried out by the State or Indian tribe under this title, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

(H) provide an assurance that the State or Indian tribe has a law or procedure that has been implemented for the eviction of an abusing spouse from a shared household; and

(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this title.

(b) APPROVAL OF APPLICATION.—

(1) IN GENERAL.—The Secretary shall approve any application that meets the requirements of subsection (a) and section 306. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

(2) CORRECTION OF DEFICIENCIES.—The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 306 have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds under section 306 to such State or under section 309 to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

(3) STATE OR TRIBAL DOMESTIC VIOLENCE COALITION PARTICIPATION IN DETERMINATIONS OF COMPLIANCE.—State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 306(c), except that no funds made available under section 311 shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this title.

(4) FAILURE TO REPORT; NONCONFORMING EXPENDITURES.—The Secretary shall suspend funding for an approved applica-

*tion if the applicant fails to submit an annual performance report under section 306(d), or if funds are expended for purposes other than those set forth in section 306(b), after following the procedures set forth in paragraphs (1), (2), and (3).*

**SEC. 308. SUBGRANTS AND USES OF FUNDS.**

*(a) SUBGRANTS.—A State that receives a grant under section 306(a) shall use grant funds described in section 306(b)(2) to provide subgrants to eligible entities for programs and projects within such State, that is designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.*

*(b) USE OF FUNDS.—*

*(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—*

*(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;*

*(B) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;*

*(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;*

*(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;*

*(E) provision of culturally and linguistically appropriate services;*

*(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together;*

*(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—*

*(i) assistance in accessing related Federal and State financial assistance programs;*

(ii) *legal advocacy to assist victims and their dependents;*

(iii) *medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;*

(iv) *assistance locating and securing safe and affordable permanent housing and homelessness prevention services;*

(v) *provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and*

(vi) *parenting and other educational services for victims and their dependents; and*

(H) *prevention services, including outreach to underserved populations.*

(2) *SHELTER AND SUPPORTIVE SERVICES.—Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).*

(c) *ELIGIBLE ENTITIES.—To be eligible to receive a subgrant from a State under this section, an entity shall be—*

(1) *a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence; or*

(2) *a partnership of 2 or more agencies or organizations that includes—*

(A) *an agency or organization described in paragraph (1); and*

(B) *an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.*

(d) *CONDITIONS.—*

(1) *DIRECT PAYMENTS TO VICTIMS OR DEPENDANTS.—No funds provided under this title may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.*

(2) *VOLUNTARILY ACCEPTED SERVICES.—Receipt of supportive services under this title shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).*

**SEC. 309. GRANTS FOR INDIAN TRIBES.**

(a) **GRANTS AUTHORIZED.**—*The Secretary, in consultation with tribal governments pursuant to Executive Order 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.*

(b) **ELIGIBLE ENTITIES.**—*To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.*

(c) **CONDITIONS.**—*Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 306.*

(d) **GRANTEE APPLICATION.**—*To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 307 at such time, in such manner, and containing such information as the Secretary determines to be essential to carrying out the objectives and provisions of this title. The Secretary shall approve any application that meets requirements consistent with the requirements of section 306(c) and section 307(a).*

(e) **USE OF FUNDS.**—*An amount provided under a grant to an eligible entity shall be used for the services described in section 308(b).*

**SEC. 310. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE CENTERS.**

(a) **PURPOSE AND GRANTS AUTHORIZED.**—

(1) **PURPOSE.**—*The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this title to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.*

(2) **GRANTS AUTHORIZED.**—*From the amounts appropriated under this title and reserved under section 303(a)(2)(C), the Secretary—*

(A) *shall award grants to eligible entities for the establishment and maintenance of—*

(i) *2 national resource centers (as provided for in subsection (b)(1)); and*

(ii) *at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and*

(B) *may award grants, to—*

(i) *State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and*

(ii) *support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.*

(b) *DOMESTIC VIOLENCE RESOURCE CENTERS.*—

(1) *NATIONAL RESOURCE CENTERS.*—*In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—*

(A) *a National Resource Center on Domestic Violence, which shall—*

(i) *offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and*

(ii) *maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—*

(I) *the incidence and prevention of family violence and domestic violence; and*

(II) *the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and*

(B) *a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—*

(i) *offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);*

(ii) *enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note); and*

(iii) *coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.*

(2) *SPECIAL ISSUE RESOURCE CENTERS.*—*In accordance with subsection (a)(2)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on en-*

*hancing domestic violence intervention and prevention efforts in at least one of the following areas:*

*(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.*

*(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.*

*(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.*

*(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.*

*(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.*

**(3) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—**

*(A) IN GENERAL.—In accordance with subsection (a)(2), the Secretary may award grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.*

*(B) REQUIREMENTS.—An eligible entity shall use a grant provided under this paragraph—*

*(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;*

*(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and*

*(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.*

**(c) ELIGIBILITY.—**

(1) *IN GENERAL.*—To be eligible to receive a grant under subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

(B) includes on the entity’s advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity’s designation as a national resource center or a special issue resource center, as appropriate.

(2) *NATIONAL INDIAN RESOURCE CENTER.*—To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

(C) strong support for the entity’s designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

(3) *SPECIAL ISSUE RESOURCE CENTERS CONCERNED WITH RACIAL AND ETHNIC MINORITY GROUPS.*—To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or

program related to culturally specific issues in domestic violence; and

(B)(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

(4) *STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.*—To be eligible to receive a grant under subsection (b)(3), an entity shall—

(A)(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

(d) *REPORTS AND EVALUATION.*—Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

**SEC. 311. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.**

(a) *GRANTS.*—The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

(b) *ALLOTMENT OF FUNDS.*—

(1) *IN GENERAL.*—From the amount appropriated under section 303(a)(2)(D) for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to  $\frac{1}{56}$  of the amount so appropriated for such fiscal year.

(2) *DEFINITION.*—For purposes of this subsection, the term “covered territories” means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(c) *APPLICATION.*—Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation of the coalition’s work, satisfactory to the Secretary, demonstrating that the coalition—

(1) meets all of the applicable requirements set forth in this title; and

(2) demonstrates the ability to conduct appropriately all activities described in this section, as indicated by—

(A) documented experience in administering Federal grants to conduct the activities described in subsection (d);  
or

(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

(d) *USE OF FUNDS.*—A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

(6) working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

(A) family violence, domestic violence, or dating violence is present; and

(B) child abuse is present;

(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

(8) collaborating with Indian tribes and tribal organizations and corresponding Native Hawaiian groups or communities to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

(e) *LIMITATION ON USE OF FUNDS.*—A coalition that receives a grant under this section shall not be required to use funds received under this title for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and

(2) coordinating the activities carried out by the coalition under subsection (d) with the State's activities under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) that address those purposes.

(f) *PROHIBITION ON LOBBYING.*—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

(2) in connection with legislation or appropriations directly affecting the activities of the entity.

(g) *REPORTS AND EVALUATION.*—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

(h) *INDIAN REPRESENTATIVES.*—For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

**SEC. 312. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.**

(a) *IN GENERAL.*—

(1) *PROGRAM.*—The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

(2) *GRANTS.*—The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

(b) *ELIGIBLE ENTITIES.*—To be eligible to receive a grant under this section, an entity shall be a local agency, a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, and voluntary associations), or a tribal organization, with a demonstrated record of serving victims

of family violence, domestic violence, or dating violence and their children.

(c) *APPLICATION.*—An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

(1) a description of how the entity will prioritize the safety of, and confidentiality of information about—

(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

(B) children of victims described in subparagraph (A);

(2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

(3) a description of how the entity will ensure that professionals working with the children receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

(d) *USE OF FUNDS.*—An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

(1) shall use the funds made available through the grant—

(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

(B) to provide services for nonabusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

(C) where appropriate, to provide the services described in this subsection while working with such a nonabusing parent and child together; and

(2) may use the funds made available through the grant—

(A) to provide early childhood development and mental health services;

(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

(e) *REPORTS AND EVALUATION.*—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

**SEC. 313. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.**

(a) *IN GENERAL.*—The Secretary shall award a grant to a non-profit private entity to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

(b) *TERM.*—The Secretary shall award a grant under this section for a period of not more than 5 years.

(c) *CONDITIONS ON PAYMENT.*—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

(d) *APPLICATION.*—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

(B) the hiring criteria and qualifications for hotline personnel;

(C) the methods for the creation, maintenance, and updating of a resource database;

(D) a plan for publicizing the availability of the hotline;

(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability; and

(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

(G) a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

(4) demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;

(5) demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and

*employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;*

*(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;*

*(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 306(c)(5) and follows comprehensive quality assurance practices; and*

*(8) contain such other information as the Secretary may require.*

*(e) HOTLINE ACTIVITIES.—*

*(1) IN GENERAL.—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).*

*(2) ACTIVITIES.—In establishing and operating the hotline, the entity—*

*(A) shall contract with a carrier for the use of a toll-free telephone line;*

*(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;*

*(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;*

*(D) shall widely publicize the hotline throughout the United States, including to potential users;*

*(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;*

*(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;*

*(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and*

*(H) at the discretion of the hotline operator, may provide assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the*

*hotline operator fears the safety of a victim may be impacted by an accused abuser or suspected abuser.*

(f) **REPORTS AND EVALUATION.**—*The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.*

**SEC. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES (DELTA).**

(a) **IN GENERAL.**—*The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.*

(b) **TERM.**—*The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.*

(c) **CONDITIONS ON PAYMENT.**—*The provision of payments under a cooperative agreement under this section shall be subject to—*

- (1) *annual approval by the Secretary; and*
- (2) *the availability of appropriations for each fiscal year to make the payments.*

(d) **ELIGIBILITY.**—*To be eligible to enter into a cooperative agreement under this section, an organization shall—*

- (1) *be a State Domestic Violence Coalition; and*
- (2) *include representatives of pertinent sectors of the local community, which may include—*
  - (A) *health care providers and State or local health departments;*
  - (B) *the education community;*
  - (C) *the faith-based community;*
  - (D) *the criminal justice system;*
  - (E) *family violence, domestic violence, and dating violence service program advocates;*
  - (F) *human service entities such as State child services divisions;*
  - (G) *business and civic leaders; and*
  - (H) *other pertinent sectors.*

(e) **APPLICATIONS.**—*An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that—*

- (1) *demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;*
- (2) *demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;*

(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of—

(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

(B) the method to be used for identification and selection of project staff and a project evaluator;

(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

(6) contains such other information, agreements, and assurances as the Secretary may require.

(f) **GEOGRAPHICAL DISPERSION.**—The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

(g) **USE OF FUNDS.**—

(1) **IN GENERAL.**—An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

(2) **TECHNICAL ASSISTANCE, EVALUATION AND MONITORING.**—The Secretary may use a portion of the funds provided under this section to—

(A) provide technical assistance;

(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

(C) conduct an independent evaluation of the program carried out under this section.

(3) **REQUIREMENTS.**—In establishing and operating a project under this section, an eligible organization shall—

(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a re-

port under subsection (h) that contains the evaluation and analysis;

(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include—

- (i) educational workshops and seminars;
- (ii) training programs for professionals;
- (iii) the preparation of informational material;
- (iv) developmentally appropriate education programs;
- (v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

(vi) the dissemination of information about the results of programs conducted under this subparagraph;

(E) utilize evidence-informed prevention program planning; and

(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

(h) **REPORTS AND EVALUATION.**—Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

\* \* \* \* \*

## TITLE 11—UNITED STATES CODE

### § 707. Dismissal of a case or conversion to a case under chapter 11 or 13

(a) \* \* \*

(1) \* \* \*

\* \* \* \* \*

(b)(1) \* \* \*

(2)(A)(i) \* \* \*

\* \* \* \* \*

(ii)(I) The debtor’s monthly expenses shall be the debtor’s applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor’s actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the

debtor resides, as in effect on the date of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Such expenses shall include reasonably necessary health insurance, disability insurance, and health savings account expenses for the debtor, the spouse of the debtor, or the dependents of the debtor. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under [section 309 of the Family Violence Prevention and Services Act] *section 302 of the Family Violence Prevention and Services Act*, or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

\* \* \* \* \*

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

**635. REQUIREMENTS FOR STATEWIDE SYSTEM.**

(a) IN GENERAL.— \* \* \*

\* \* \* \* \*

(c) FLEXIBILITY TO SERVE CHILDREN 3 YEARS OF AGE UNTIL ENTRANCE INTO ELEMENTARY SCHOOL.—

\* \* \* \* \*

(2) REQUIREMENTS.— \* \* \*

(A) \* \* \*

\* \* \* \* \*

(G) there will be a referral for evaluation for early intervention services of a child who experiences a substantiated case of trauma due to exposure to family violence (as defined in [section 320 of the Family Violence Prevention and Services Act] *section 302 of the Family Violence Prevention and Services Act*).

\* \* \* \* \*

**TITLE 42—UNITED STATES CODE**

**§ 3796gg. Purpose of program and grants**

(a) \* \* \*

\* \* \* \* \*

(c) State coalition grants

(1) \* \* \*

\* \* \* \* \*

(2) Grants to State coalitions

The Attorney General shall award grants to—

(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services [through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)] *under section 311 of the Family Violence Prevention and Services Act*; and

\* \* \* \* \*

**TITLE 42—UNITED STATES CODE**

**SUBCHAPTER III—VIOLENCE AGAINST WOMEN**

**§ 13925. Definitions and grant provisions**

(a) Definitions

In this title:

(1) Courts

\* \* \* \* \*

(26) State domestic violence coalition

The term “State domestic violence coalition” means a program determined by the Administration for Children and Families [under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))] *under sections 302 and 311 of the Family Violence Prevention and Services Act.*

\* \* \* \* \*

**PUBLIC LAW 103-322**

**SEC. 310004. FLEXIBILITY IN MAKING OF APPROPRIATIONS.**

(a) FEDERAL LAW ENFORCEMENT.— \* \* \*

\* \* \* \* \*

(d) DEFINITIONS.— \* \* \*

(1) \* \* \*

\* \* \* \* \*

“State and local law enforcement program” means a program authorized in any of the following sections:

(1) \* \* \*

\* \* \* \* \*

“prevention program” means a program authorized in any of the following sections:

(1) \* \* \*

\* \* \* \* \*

(20) [section 40211] *section 313 of the Family Violence Prevention and Services Act (relating to a hot-line);*

\* \* \* \* \*

(22) [section 40241] *sections 301 through 312 of the Family Violence Prevention and Services Act;*

\* \* \* \* \*

(24) ~~section 40261~~ *section 314 of the Family Violence Prevention and Services Act (relating to community projects to prevent family violence, domestic violence, and dating violence);*

\* \* \* \* \*

**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) 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;**

**[(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;**

**[(5)(A) currently, there are 131,000 children waiting for adoption;**

**[(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and**

**[(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group;**

**[(6) adoption may be the best alternative for assuring the healthy development of such children;**

**[(7) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and**

**[(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.]**

**(a) FINDINGS.—Congress finds that—**

*(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings;*

*(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster*

care brought them the additional trauma of separation from their homes and often their communities;

(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care—

(A) were born to mothers who did not receive prenatal care;

(B) were born with life-threatening conditions or disabilities;

(C) were born addicted to alcohol or other drugs; or

(D) have HIV/AIDS;

(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families;

(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and

(B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement;

(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption;

(B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption;

(C)(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and

(ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older and

(D)(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and

(ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American;

(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care;

(8) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement and adoption; and

(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children—

(A) should not have medically indicated treatment withheld from them; or

(B) 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 *older children, minority children, and children with special needs*, including disabled infants with life-threatening conditions, by providing a mechanism to—

(1) \* \* \*

[(2) maintain 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]

(2) *maintain an Internet-based national adoption information exchange system to—*

(A) *bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;*

(B) *conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and*

(C) *connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and*

\* \* \* \* \*

**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.] *older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have 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 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 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 and post-legal adoption services*;

(2) conduct, directly or by grant or contract with public or private organization ongoing extensive recruitment efforts on a national level, *including efforts to promote the adoption of older children, minority children, and children with special needs*, 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;

\* \* \* \* \*

(7) **[study the efficacy of States contracting with]** *increase the effective use of public or private agencies (including community-based and other organizations)***[,]** *by states*, or sectarian institutions, for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption, *including assisting in efforts to work with organizations that promote the placement of older children, minority children, and children with special needs*;

\* \* \* \* \*

(9) \* \* \*

(A) \* \* \*

(B) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; **[and]**

(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*

(D) *identify best practices to reduce adoption disruption and termination*;

(10) provide (directly or by grant to or contract with States, local government entities, *tribal child welfare agencies*, public or private 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) \* \* \*

(ii) recruitment of prospective adoptive families for such children, *including developing and using procedures to notify family and relatives when a child enters the child welfare system*;

\* \* \* \* \*

(vi) \* \* \*

(vii) *education and training of prospective adoptive or adoptive parents*;

**[(vii)]** (viii) *use of volunteers and adoptive parent groups*; and

[(viii)] (ix) any other activities determined by the Secretary to further the purposes of this Act; and

\* \* \* \* \*

(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) 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, *consistent with the purpose of this title.* [Each application shall include verification of the placements described in paragraph (1).] *Each application shall contain information that—*

*(i) describes how the State plans to improve the placement rate of children in permanent homes;*

*(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;*

*(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and*

*(iv) describes how the State plans to coordinate activities under this subsection with relevant activities under section 473 of the Social Security Act (42 U.S.C. 673).*

(B) TECHNICAL AND OTHER ASSISTANCE.— \* \* \*

(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 *older children, minority children, and children with special needs*, and in the provision of pre- and

post-placement services, including post-legal adoption services; and

(ii) \* \* \*

(C) *EVALUATION.*—*The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A) (iii)) and submit a report containing the compiled results to the appropriate committees of Congress.*

\* \* \* \* \*

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) There are authorized to be appropriated \$40,000,000 for fiscal year ~~2004~~ 2010 and such sums as may be necessary for fiscal years ~~2005 through 2008~~ 2011 through 2015 to carry out programs and activities authorized under this subtitle.

(b) *Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 203.*

~~[(b)](c)~~ The Secretary shall ensure that funds appropriated pursuant to authorizations in this Act shall remain available until expended for the purposes for which they were appropriated.

\* \* \* \* \*

**ABANDONED INFANTS ASSISTANCE ACT OF 1988**

\* \* \* \* \*

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) \* \* \*

\* \* \* \* \*

(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”)]~~ *including those with HIV/AIDS* and those who have been exposed to dangerous drugs;

(5) infants and young children who are abandoned in hospitals 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~~ *HIV/AIDS*, by parents abusing drugs, or by parents incapable of providing adequate care;

\* \* \* \* \*

**TITLE III—GENERAL PROVISIONS**

**SEC. 301. DEFINITIONS.**

In this Act:

(1) **ABANDONED; ABANDONMENT.**— \* \* \*

~~[(2) **ACQUIRED IMMUNE DEFICIENCY SYNDROME.**—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)】(2) DANGEROUS DRUG.—The term “dangerous drug” means a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

【(4)】(3) NATURAL FAMILY.—The term “natural family” shall be broadly 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.

【(5)】(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

**SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

(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】 2010 and such sums as may be necessary for fiscal years 【2005 through 2008】 2011 through 2015.

\* \* \* \* \*

(b) ADMINISTRATIVE EXPENSES.—

(1) AUTHORIZATION.— \* \* \*

(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 2003】 *fiscal year 2010*.

\* \* \* \* \*

