ment, par. (2) read as follows: “the term ‘child abuse and neglect’ means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by a person who is responsible for the child’s welfare, under circumstances which indicate that the child’s health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.”

Pub. L. 104–235, §110(1) struck out par. (2) which read as follows: “the term ‘Center’ means the National Center on Child Abuse and Neglect established under section 5101 of this title;”.

(b) Availability of funds without fiscal year limitation
There are authorized to be appropriated to carry out this subchapter $120,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2015.

There are authorized to be appropriated to carry out this subchapter $120,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2015.

Prior provisions
A prior provision of Pub. L. 93–247 was renumbered section 110 and is classified to section 5106 of this title.

Amendments
2003—Subsec. (a)(1). Pub. L. 108–36, §117(a), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter, $100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.”

Subsec. (a)(2)(B). Pub. L. 108–36, §117(b), substituted “Secretary shall make” for “Secretary make” and “section 5105” for “section 5106a”.

1996—Subsec. (a). Pub. L. 105–243 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “(1) Authorization.—There are authorized to be appropriated to carry out this subchapter, except for section 5106a–1 of this title, $100,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(2) Allocations.—(A) Of the amounts appropriated under paragraph (1) for a fiscal year, $5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 5106a(g) of this title.

(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A)—

(i) 33 percent shall be available for activities under sections 5104, 5105, and 5106 of this title; and

(ii) 66 percent of such amounts shall be made available in each such fiscal year for activities under sections 5106a(a) and 5106b of this title, giving special consideration to the continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services of national or regional scope and demonstrated effectiveness) and $5,000,000 shall be available in each such year for grants and contracts under section 5106a(c) of this title, for identification, treatment, and prevention of sexual abuse, and (3) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 5106a(f) of this title. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, no less than $20,000,000 of the funds appropriated in such fiscal year shall be available as provided in clause (1) in the preceding sentence and of the remainder, one-half shall be available as provided for in clause (2) and one-half as provided for in clause (3) in the preceding sentence.”

§5106h

TITLe 42—THE PUBLIC HEALTH AND WELFARE

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Authority to make grants
(a) In general

(1) General authorization
There are authorized to be appropriated to carry out this subchapter $120,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2015.

(2) Discretionary activities

(A) In general
Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this subchapter.

(B) Demonstration projects
Of the amounts made available for a fiscal year under subparagraph (A), the Secretary shall make available not more than 40 percent of such amounts to carry out section 5106 of this title.

(3) Availability of funds without fiscal year limitation
The Secretary shall ensure that funds appropriated pursuant to authorizations in this subchapter shall remain available until expended for the purposes for which they were appropriated.

2003—Subsec. (a)(1). Pub. L. 108–36, §117(a), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter, $100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.”

Subsec. (a)(2)(B). Pub. L. 108–36, §117(b), substituted “Secretary shall make” for “Secretary make” and “section 5105” for “section 5106a”.

1996—Subsec. (a). Pub. L. 105–243 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “(1) Authorization.—There are authorized to be appropriated to carry out this subchapter, except for section 5106a–1 of this title, $100,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(2) Allocations.—(A) Of the amounts appropriated under paragraph (1) for a fiscal year, $5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 5106a(g) of this title.

(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A)—

(i) 33 percent shall be available for activities under sections 5104, 5105, and 5106 of this title; and

(ii) 66 percent of such amounts shall be made available in each such fiscal year for activities under sections 5106a(a) and 5106b of this title, giving special consideration to the continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services of national or regional scope and demonstrated effectiveness) and $5,000,000 shall be available in each such year for grants and contracts under section 5106a(c) of this title, for identification, treatment, and prevention of sexual abuse, and (3) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 5106a(f) of this title. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, no less than $20,000,000 of the funds appropriated in such fiscal year shall be available as provided in clause (1) in the preceding sentence and of the remainder, one-half shall be available as provided for in clause (2) and one-half as provided for in clause (3) in the preceding sentence.”
§ 5106i. Rule of construction

(a) In general

Nothing in this subchapter and subchapter III of this chapter shall be construed—

(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treatment against the religious beliefs of the parent or legal guardian; and

(2) to require that a State find, or to prohibit a State from finding, 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.

(b) State requirement

Notwithstanding subsection (a) of this section, a State shall, at a minimum, have in place authority under State law to permit the child protective services system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life-threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, is authorized to provide for activities of national significance related to child abuse prevention and treatment and adoption reform, including operation of a national center to collect and disseminate information regarding child abuse and neglect, and operation of a national adoption information exchange system to facilitate the adoption placement of children.

(2) The Secretary, in carrying out the provisions of this subsection, shall provide for the continued formation of the National Center on Child Abuse and Neglect, in accordance with section 503(a) of this title for each of the fiscal years 1982 and 1983.

(3) If the Secretary determines, in fiscal year 1982 or 1983, to carry out any of the activities described in section 501(b) of this title, the Secretary shall carry out such activities through the National Center on Child Abuse and Neglect.

(b) There is authorized to be appropriated to carry out this section $12,000,000 for each of the fiscal years 1982 and 1983. Of the amounts appropriated under this subsection for any fiscal year, not less than $2,000,000 shall be available to carry out title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 [42 U.S.C. 5111 et seq.].


REFERENCES IN TEXT

The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, referred to in subsec. (b), is Pub. L. 95–266, Apr. 24, 1978, 92 Stat. 205, as amended. Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is classified generally to chapter 5 of subchapter II (§ 5111 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 5101 of this title and Table.

CODIFICATION

Section was enacted as part of the Omnibus Budget Reconciliation Act of 1981, and not as part of title I of the Child Abuse Prevention and Treatment Act which comprises this subchapter.

SUBCHAPTER II—ADOPTION OPPORTUNITIES

§ 5111. Congressional findings and declaration of purpose

(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;