

108TH CONGRESS  
1ST SESSION

# H. R. 2541

To amend the Child Abuse Prevention and Treatment Act to require public disclosure of information about cases of child abuse or neglect which result in child fatality, near fatality, other serious injury, or felony conviction.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2003

Mr. MOORE introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Child Abuse Prevention and Treatment Act to require public disclosure of information about cases of child abuse or neglect which result in child fatality, near fatality, other serious injury, or felony conviction.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Public Records Open  
5 to End Child Tragedy (PROTECT) Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) The Child Abuse Prevention and Treatment  
2 Act (42 U.S.C. 5101) threatens States with the for-  
3 feiture of Federal funds under that Act if States  
4 provide for public disclosure of a child abuse or ne-  
5 glect records when the child has been a victim of  
6 child abuse.

7           (2) Overly strict privacy laws can have the ef-  
8 fect of shielding negligent public officials, camou-  
9 flage inefficiency in State and Federal child welfare  
10 programs and mask severe underfunding and official  
11 neglect of this important government function.

12           (3) It is vitally important that the public be  
13 aware of such problems and be given the opportunity  
14 to force their elected officials to change the system.

15           (4) The privacy of adoptive and foster families,  
16 as well as children, must be protected by the judicial  
17 process.

18           (5) States should be permitted to open up a  
19 child's records in very limited circumstances, under  
20 the auspices of a judge, when a child has been the  
21 victim of child abuse.

1 **SEC. 3. PUBLIC DISCLOSURE OF INFORMATION ABOUT**  
2 **CHILD ABUSE CASES.**

3 Section 106(b)(2)(A)(vi) of the Child Abuse Preven-  
4 tion and Treatment Act (42 U.S.C. 5106a(b)(2)(A)(vi))  
5 is amended to read as follows:

6 “(vi) provisions which require public  
7 disclosure of the findings or information  
8 about the case of child abuse or neglect, as  
9 determined to be appropriate by a judge  
10 and in accordance with applicable law,  
11 which has resulted in a child fatality, near  
12 fatality, other serious injury, or felony con-  
13 viction;”.

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