

108TH CONGRESS
2D SESSION

H. R. 5219

To require the Attorney General to establish a Federal register of cases
of child abuse or neglect.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2004

Mrs. KELLY introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To require the Attorney General to establish a Federal
register of cases of child abuse or neglect.

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. FINDINGS.**

4 The Congress finds as follows:

5 (1) The Report and Recommendations of the
6 Westchester County, New York, January “B” 2004
7 Grand Jury, entitled “Returning Abused Children to
8 their Abusers: How Westchester County’s Child Pro-
9 tective System Fails the Children it Most Needs to
10 Protect”, identified 3 essential principles that should

1 guide child services programs, namely, maintaining
2 that the best interest of the child is paramount, en-
3 suring continuity in case supervision with all rel-
4 evant parties involved and all relevant information
5 shared, and assigning special priority to the identi-
6 fication of high-risk cases.

7 (2) Such report also observed that, because
8 there is no direct way for the State of New York to
9 report an individual's history of child abuse to an-
10 other State, and a child may be placed at greater
11 risk if an offender with an established history of
12 child abuse moves to a State where his or her his-
13 tory is unknown, a national central register of cases
14 of child abuse or neglect must be created.

15 (3) 896,000 children were determined to be vic-
16 tims of child abuse or neglect in 2002.

17 (4) The rate of victimization per 1,000 children
18 in the national population has dropped from 13.4
19 children in 1990 to 12.3 children in 2002.

20 (5) 1,400 children died due to child abuse or
21 neglect in 2002.

22 (6) A 2002 Department of Health and Human
23 Services child and family services review suggests
24 that difficulties States experience in preventing mal-

1 treatment recurrence may be due to inadequate
2 identification of abusers.

3 (7) When an individual is convicted of a crime
4 in New York, police in California know and are able
5 to identify the violator. Child abusers should be as
6 easily identifiable for State and local child protective
7 services.

8 (8) Many States currently maintain a child
9 maltreatment registry that collects information
10 about maltreated children and individuals who were
11 found to have abused or neglected children, in order
12 to protect children from contact with individuals who
13 may mistreat them.

14 (9) Some States that maintain such registries
15 are explicitly prohibited under State law from shar-
16 ing this important data with other States.

17 **SEC. 2. NATIONAL REGISTER OF CASES OF CHILD ABUSE**
18 **OR NEGLECT.**

19 (a) IN GENERAL.—The Attorney General shall create
20 a national register of cases of child abuse or neglect. The
21 information in such register shall be supplied by States,
22 or, at the option of a State, by political subdivisions of
23 such State.

24 (b) INFORMATION.—The register described in sub-
25 section (a) shall collect in a central electronic database in-

1 formation on children reported to a State, or a political
2 subdivision of a State, as abused or neglected.

3 (c) SCOPE OF INFORMATION.—

4 (1) IN GENERAL.—

5 (A) TREATMENT OF REPORTS.—The infor-
6 mation to be provided to the Attorney General
7 under this section shall relate to substantiated
8 reports of child abuse or neglect. Except as pro-
9 vided in subparagraph (B), each State, or, at
10 the option of a State, each political subdivision
11 of such State, shall determine whether the in-
12 formation to be provided to the Attorney Gen-
13 eral under this section shall also relate to re-
14 ports of suspected instances of child abuse or
15 neglect that were unsubstantiated or deter-
16 mined to be unfounded.

17 (B) EXCEPTION.—If a State or political
18 subdivision of a State has an equivalent elec-
19 tronic register of cases of child abuse or neglect
20 that it maintains pursuant to a requirement or
21 authorization under any other provision of law,
22 the information provided to the Attorney Gen-
23 eral under this section shall be coextensive with
24 that in such register.

1 (2) FORM.—Information provided to the Attor-
2 ney General under this section—

3 (A) shall be in a standardized electronic
4 form determined by the Attorney General; and

5 (B) shall contain case-specific identifying
6 information, except that, at the option of the
7 entity supplying the information, the confiden-
8 tiality of identifying information concerning an
9 individual initiating a report or complaint re-
10 garding a suspected or known instance of child
11 abuse or neglect may be maintained.

12 (d) CONSTRUCTION.—This section shall not be con-
13 strued to require a State or political subdivision of a State
14 to modify—

15 (1) an equivalent register of cases of child
16 abuse or neglect that it maintains pursuant to a re-
17 quirement or authorization under any other provi-
18 sion of law; or

19 (2) any other record relating to child abuse or
20 neglect, regardless of whether the report of abuse or
21 neglect was substantiated, unsubstantiated, or deter-
22 mined to be unfounded.

23 (e) DISSEMINATION.—The Attorney General shall es-
24 tablish standards for the dissemination of information in
25 the national register of cases of child abuse or neglect.

1 Such standards shall preserve the confidentiality of
2 records in order to protect the rights of the child and the
3 child's parents or guardians while also ensuring that Fed-
4 eral, State, and local government entities have access to
5 such information in order to carry out their responsibil-
6 ities under law to protect children from abuse and neglect.

7 (f) CONDITION ON RECEIPT OF FUNDS.—Compliance
8 under this section shall be a condition precedent to receipt
9 of funds under section 107 of the Child Abuse Prevention
10 and Treatment Act (42 U.S.C. 5106c).

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