

111TH CONGRESS
1ST SESSION

S. 1554

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2009

Mr. HARKIN (for himself, Mr. FRANKEN, Mr. KERRY, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safe Babies Act of
3 2009”.

4 **SEC. 2. FINDINGS.**

5 Congress finds as follows:

6 (1) Children 3 years of age and younger have
7 the highest rates of victimization. Children under the
8 age of 1 are nearly twice as likely as all other chil-
9 dren to become victims of child maltreatment while
10 children ages 1 through 3 have the next highest rate
11 of victimization. Children ages 3 and younger are
12 also twice as likely to be placed in foster care as
13 children of any other age. Once placed in foster care,
14 children 3 years of age and younger are more likely
15 than older children to be abused and neglected, and
16 they tend to stay in foster care longer than older
17 children.

18 (2) Infants and toddlers are the most vulner-
19 able to the effects of maltreatment. Research shows
20 that young children who have experienced physical
21 abuse have lower social competence, show less empa-
22 thy for others, and have difficulty recognizing oth-
23 ers’ emotions. They are also more likely than chil-
24 dren who have not been maltreated to have deficits
25 in IQ scores, language ability, and school perform-
26 ance.

1 (3) Research shows that the human brain in-
2 creases in weight from 26 percent of its adult weight
3 at birth to 74 percent by the age of 3. During those
4 early years, the brain is developing most of its basic
5 capacity, which substantially predicts future achieve-
6 ment or failure. Therefore, infants and toddlers who
7 have been maltreated and placed in foster care are
8 spending the most critical developmental period in
9 situations that may be detrimental to healthy growth
10 and development.

11 (4) Substance abuse is a factor in as many as
12 67 percent of child maltreatment cases. Every year,
13 more than 2.6 million babies are born to mothers
14 who drank alcohol during pregnancy and 40,000 of
15 those babies are born displaying identifiable birth
16 defects; thousands more suffer ill effects that are
17 not readily apparent. More than 2 million children
18 under 6 live with one or more alcoholic parents.
19 Some 460,000 babies are exposed to illegal drugs in
20 utero each year. Poly drug use is the rule rather
21 than the exception, and users typically ingest alco-
22 hol, illegal, and prescription drugs. Thus, while re-
23 search has identified the effects of prenatal alcohol
24 exposure, it is difficult to ascertain the effects of
25 prenatal exposure to other specific substances (i.e.,

1 methamphetamines, cocaine, and other illegal
2 drugs). Alcohol is the only mood altering substance
3 that is used in isolation from others and the effects
4 have been well documented through the literature on
5 fetal alcohol spectrum disorders. Maternal substance
6 abuse during pregnancy affects the health of the
7 baby at birth and in the months and years that fol-
8 low. It contributes to preterm birth, low birth
9 weight, developmental delays and disabilities. Active
10 substance abuse by parents after birth can create a
11 risk of imminent harm to a child.

12 (5) Children under the age of 4 account for 78
13 percent of child fatalities, and children under the
14 age of 1 account for 44 percent of such fatalities.

15 (6) Child welfare systems are not meeting the
16 needs of the children who rely on public intervention
17 to protect them. According to the first round of
18 Child and Family Services Reviews completed by the
19 Administration for Children and Families, no State
20 had achieved all of the specified outcomes on the
21 Child and Family Services Review indicators, and all
22 of the States failed to meet the outcome related to
23 the provision of physical and mental health services
24 to children in foster care.

1 (7) Judges can be powerful catalysts for change
2 in the way communities address the needs of mal-
3 treated infants and toddlers. A project in the Juve-
4 nile Court of the Fifth Judicial District of Iowa has
5 combined the leadership of a family court judge with
6 expertise in early childhood development. Such col-
7 laboration is currently underway in other local juris-
8 dictions across the country, with many more seeking
9 to create similar projects. These projects are work-
10 ing to ensure that mental health and parenting
11 intervention services are provided for parents and
12 children together.

13 **SEC. 3. COURT TEAMS FOR MALTREATED INFANTS AND**
14 **TODDLERS.**

15 Title II of the Juvenile Justice and Delinquency Pre-
16 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
17 ed—

- 18 (1) by redesignating part F as part G; and
19 (2) by inserting after part E the following new
20 part:

1 **“PART F—COURT TEAMS FOR MALTREATED**
 2 **INFANTS AND TODDLERS**

3 **“SEC. 271. COURT TEAMS FOR MALTREATED INFANTS AND**
 4 **TODDLERS PROGRAM ESTABLISHED.**

5 “The Administrator is authorized to establish a pro-
 6 gram to create and provide technical assistance for local
 7 Court Teams for Maltreated Infants and Toddlers (re-
 8 ferred to in this part as ‘Court Teams’) for the purpose
 9 of—

10 “(1) promoting the well-being of maltreated in-
 11 fants and toddlers and their families (including the
 12 special problems created by substance abuse, par-
 13 ticularly alcohol and methamphetamine abuse);

14 “(2) helping to prevent the recurrence of abuse
 15 and neglect of children; and

16 “(3) promoting timely reunification of families
 17 or other successful permanency outcomes for mal-
 18 treated infants and toddlers in foster care.

19 **“SEC. 272. NATIONAL COURT TEAMS FOR MALTREATED IN-**
 20 **FANTS AND TODDLERS RESOURCE CENTER**
 21 **GRANT.**

22 “(a) GRANT AUTHORIZED.—The Administrator shall
 23 award a grant for the purpose of establishing a National
 24 Court Teams for Maltreated Infants and Toddlers Re-
 25 source Center (referred to in this part as the National

1 Court Teams Resource Center) to carry out the activities
 2 set forth in section 273.

3 “(b) ELIGIBILITY.—To be eligible to receive the grant
 4 described in subsection (a), an entity shall be a national
 5 early childhood development organization, as defined in
 6 section 276, working in collaboration with a judicial train-
 7 ing organization, as defined in section 276, that has—

8 “(1) specific expertise in the development of in-
 9 fants and toddlers;

10 “(2) specific expertise in educating judges
 11 about child maltreatment;

12 “(3) experience in incorporating the expertise
 13 described in paragraphs (1) and (2) into the judicial
 14 system to promote change in the way courts address
 15 cases involving maltreated infants and toddlers in
 16 foster care; and

17 “(4) the capacity—

18 “(A) to carry out the activities of the Na-
 19 tional Court Teams Resource Center described
 20 in section 273;

21 “(B) to support the implementation and
 22 activities of local Court Teams by providing the
 23 assistance required under this part; and

1 “(C) to manage a competitive grant award
 2 process to select local communities wishing to
 3 establish a Court Team.

4 “(c) GRANT DURATION.—The grant awarded under
 5 this part shall be—

6 “(1) for a period of 5 years; and

7 “(2) renewable at the discretion of the Adminis-
 8 trator.

9 “(d) APPLICATION.—

10 “(1) IN GENERAL.—An early childhood develop-
 11 ment organization desiring to receive the grant de-
 12 scribed in subsection (a) shall submit an application
 13 to the Administrator, at such time, in such manner,
 14 and containing such information as the Adminis-
 15 trator may require.

16 “(2) CONTENTS.—Such application shall—

17 “(A) describe the expertise of the organiza-
 18 tion and its collaborative partner in infant and
 19 toddler development and in judicial training, in-
 20 cluding any experience relevant to their ability
 21 to oversee the implementation of local Court
 22 Teams, and their capacity to provide assistance
 23 to local Court Teams;

24 “(B) include a detailed plan describing
 25 how the organization and its collaborative part-

ner will establish and maintain the National Court Teams Resource Center, and how they will carry out the activities of such Center, as described in section 273;

“(C) explain the process that will be used to select local Court Teams to receive assistance under this part;

“(D) demonstrate the ability of the organization and its collaborative partner to meet all the selection criteria, including—

“(i) special expertise in the developmental needs of children 3 years of age and younger;

“(ii) a demonstrated record of providing resources to parents and other caregivers regarding the healthy growth and development of their children;

“(iii) a demonstrated record of providing resources for practitioners in the fields of child development, early child care and education, family support, pediatrics, child welfare, juvenile and family courts, and mental health;

“(iv) extensive knowledge about how exposure to violence (including domestic vi-

olence, community violence, and child maltreatment) influences the growth and development of infants and toddlers;

“(v) a documented history of collaboration with public and private sector groups working to improve the lives of maltreated infants and toddlers, including collaboration with judges at the local and national level;

“(vi) the capacity to analyze child welfare policy at the local, State, and national levels and to offer research-based solutions to the problems confronting child welfare systems across the country; and

“(vii) the ability to manage multiple complex national resource centers and related activities, including strategic planning, team building, infrastructure development, training for multidisciplinary professionals at all levels, materials development for multiple audiences in a variety of formats, and conference planning and delivery at the local, State, regional, and national levels; and

1 “(E) include any other information the Ad-
 2 ministrator may require, including any assur-
 3 ance required by the Administrator that the en-
 4 tity, if selected, will give special consideration to
 5 applications that have a significant number of
 6 child welfare cases in the jurisdiction of the
 7 court over which the qualified judge presides in
 8 which substance abuse, and particularly meth-
 9 amphetamine abuse, is involved.

10 “(e) SELECTION OF GRANTEE.—In considering grant
 11 applications under this part, the Administrator shall select
 12 the early childhood development organization working in
 13 collaboration with a judicial training organization that
 14 demonstrates—

15 “(1) the greatest ability to satisfy the criteria
 16 described in subsection (d)(4); and

17 “(2) the most extensive experience in address-
 18 ing the needs of abused and maltreated infants and
 19 toddlers through training and technical assistance
 20 provided to judges, multidisciplinary professionals
 21 and community leaders.

22 **“SEC. 273. NATIONAL COURT TEAMS FOR MALTREATED IN-**
 23 **FANTS AND TODDLERS RESOURCE CENTER.**

24 “(a) GENERAL ACTIVITIES.—The national early
 25 childhood development organization working in collabora-

1 tion with a judicial training organization that has received
2 the grant authorized under section 272 shall establish and
3 maintain a National Court Teams Resource Center, to
4 carry out the following activities:

5 “(1) Develop and carry out a process for select-
6 ing local Court Teams to receive assistance under
7 this part that shall include—

8 “(A) outreach to identify jurisdictions or
9 communities wishing to establish Court Teams;

10 “(B) letters of commitment to participate
11 in a Court Team project containing the items
12 described in section 274(a);

13 “(C) a provision allowing for exceptions for
14 alternative models of leadership to that de-
15 scribed in section 274(a) if such leadership
16 would be more appropriate for meeting commu-
17 nity needs and the services of the Court Team
18 are made available to local judges; and

19 “(D) in selecting jurisdictions to partici-
20 pate, ensuring diversity of geographic location,
21 population density, and types of problems af-
22 fecting the child welfare population.

23 “(2) Conduct national meetings and training
24 sessions for local Court Teams.

25 “(3) Develop a database that shall be—

1 “(A) available to each local Court Team to
2 track such Court Team’s progress; and

3 “(B) used by the National Court Teams
4 Resource Center to facilitate continuous im-
5 provement of the local Court Teams receiving
6 assistance under this part.

7 “(4) Develop materials to guide qualified judges
8 in the decisionmaking process regarding maltreated
9 infants and toddlers, and to train members of local
10 Court Teams and others in the community regarding
11 the appropriate care of maltreated infants and tod-
12 dlers, including the importance of—

13 “(A) placement stability;

14 “(B) frequent parent-child visitation;

15 “(C) services to reduce the recurrence of
16 abuse and neglect;

17 “(D) services to monitor and improve the
18 health and well-being of infants and toddlers in
19 foster care;

20 “(E) timely permanent placement;

21 “(F) concurrent planning; and

22 “(G) implementing a comprehensive service
23 delivery plan addressing the needs of children
24 and parents at the proximate time of the

1 child(ren)’s removal from the care of their bio-
2 logical parents.

3 “(5) Provide information to communities and
4 courts around the country seeking to adopt the
5 Court Teams approach, including information re-
6 lated to—

7 “(A) the incorporation of knowledge about
8 infant and toddler development into the resolu-
9 tion of cases by judges with jurisdiction over
10 children in foster care; and

11 “(B) methods to change State and local
12 government systems to better address the needs
13 of infants and toddlers in foster care and their
14 families.

15 “(6) Any other activity necessary to provide the
16 assistance required under subsection (b).

17 “(b) ASSISTANCE TO LOCAL COURT TEAMS.—Assist-
18 ance provided to local Court Teams by the National Court
19 Teams Resource Center shall include—

20 “(1) providing direction, coordination, and over-
21 sight of the implementation of local Court Teams, as
22 needed;

23 “(2) providing a local Community Coordinator
24 for each local Court Team, who shall—

1 “(A) serve as a resource for child develop-
2 ment expertise for the local Court Team; and

3 “(B) promote coordination (in the jurisdic-
4 tion of the court over which the Judicial Leader
5 presides) between—

6 “(i) community agencies that serve in-
7 fants and toddlers and their families; and

8 “(ii) providers of resources to support
9 maltreated infants and toddlers and their
10 families;

11 “(3) providing training and technical assistance
12 to local Court Teams, including—

13 “(A) individual consultation;

14 “(B) networking assistance;

15 “(C) development and dissemination of
16 training materials, including fact sheets, tem-
17 plate forms, and sample operational materials
18 developed for local Court Teams; and

19 “(D) training for local Court Teams re-
20 lated to—

21 “(i) the impact of abuse and neglect
22 on infants and toddlers; and

23 “(ii) improved decisionmaking by
24 courts regarding maltreated infants and
25 toddlers to reduce the recurrence of abuse

1 and neglect and improve developmental
2 outcomes; and

3 “(4) organizing local training for community
4 members of jurisdictions in which local Court Teams
5 are located, which shall relate to the particular needs
6 of infants and toddlers exposed to maltreatment and
7 trauma, including topics such as—

8 “(A) general infant and toddler develop-
9 ment;

10 “(B) the impact of abuse and neglect on
11 development;

12 “(C) a continuum of relationship-based
13 mental health services for parents and children
14 together;

15 “(D) best practices in parent-child contact
16 (visitation);

17 “(E) evidence-based parenting interven-
18 tions; and

19 “(F) services available to foster children in
20 the community.

21 **“SEC. 274. LOCAL COURT TEAMS FOR MALTREATED IN-**
22 **FANTS AND TODDLERS ESTABLISHED.**

23 “(a) ELIGIBILITY AND LETTER OF COMMITMENT.—
24 An entity eligible for receiving assistance made available
25 under this part shall consist of at least 1 qualified judge

1 to serve as Judicial Leader of the Court Team together
2 with an official of the local child welfare agency who sub-
3 mit a letter of commitment to participate in the Court
4 Team project including the following information:

5 “(1) A commitment to work with the Commu-
6 nity Coordinator provided through the National
7 Court Teams Resource Center, to form a team of
8 community agencies serving infants and toddlers and
9 their families in the jurisdiction, and carry out the
10 activities set forth in this section.

11 “(2) In the case of a community applying for
12 an exception under section 273(a)(1)(C), a descrip-
13 tion of the proposed alternative leadership model,
14 the reasons such a model better meets community
15 needs, and the manner in which the services of the
16 Court Team will be made available to a court pre-
17 sided over by a qualified judge.

18 “(3) A description of the population of mal-
19 treated infants and toddlers in the community within
20 the jurisdiction of the court over which the qualified
21 judge presides, including—

22 “(A) any problems contributing to the
23 placement of maltreated infants and toddlers
24 under the supervision of the court (including

1 the impact of parental substance abuse, and
2 particularly methamphetamine abuse); and

3 “(B) any challenges faced by the court in
4 making decisions that are in the best interests
5 of such maltreated infants and toddlers.

6 “(4) Information regarding the jurisdiction’s
7 previous efforts, if any, of implementing best prac-
8 tices through participation in local or national court
9 improvement initiatives; and

10 “(5) Any additional information required by the
11 National Court Teams Resource Center.

12 “(b) REQUIRED ACTIVITIES.—A local Court Team
13 receiving assistance under this part shall carry out the fol-
14 lowing activities:

15 “(1) Conduct monthly case reviews of each case
16 handled by the local Court Team, in which all indi-
17 viduals and organizations involved in a case meet to
18 review progress in such case, and to monitor and
19 track referral to, delivery of, and barriers to, serv-
20 ices for maltreated infants and toddlers and their
21 families.

22 “(2) Implement best practices in child welfare
23 cases including concurrent planning, reducing place-
24 ment changes, frequent child-parent contact, com-
25 prehensive service delivery plans at the time of re-

1 moval, pre-removal conferences, and kinship place-
2 ments.

3 “(3) Incorporate child-focused services into case
4 plans for maltreated infants and toddlers, including
5 services such as medical, developmental, and mental
6 health interventions and, as appropriate, services for
7 children and parents together.

8 “(4) Organize the provision of local training
9 (provided by the National Court Teams Resource
10 Center) to community members of the jurisdiction in
11 which the local Court Team is located, including
12 court officials, child welfare agencies, attorneys,
13 Guardians Ad Litem, court-appointed special advo-
14 cates, and other individuals and organizations pro-
15 viding services to infants and toddlers in foster care.

16 “(5) Identify areas in the community in need of
17 improved mental health and substance abuse treat-
18 ment, and assist the National Court Teams Re-
19 source Center in improving mental health treatment
20 for parents and children together, and substance
21 abuse treatment for families (including mothers and
22 children), as needed.

23 “(6) Prioritize after-care services that connect
24 families to their communities after their discharge
25 from formal child welfare system involvement.

1 “(7) Utilize resource materials disseminated by
2 the National Court Teams Resource Center to guide
3 judges in the decisionmaking process regarding mal-
4 treated infants and toddlers, and to provide training
5 for Court Team members.

6 “(8) Participate in the national evaluation con-
7 ducted by the Administrator in accordance with sec-
8 tion 275, to determine the extent to which the activi-
9 ties of the local Court Team reduce the recurrence
10 of abuse and neglect and improve health and devel-
11 opmental outcomes for maltreated infants and tod-
12 dlers.

13 “(c) PERMISSIBLE ACTIVITIES.—A local Court re-
14 ceiving assistance under this part may carry out the fol-
15 lowing activities:

16 “(1) Developing processes for responding to pa-
17 rental substance abuse, such as—

18 “(A) coordinating with local law enforce-
19 ment agencies to allow rapid response teams to
20 intervene quickly on behalf of infants and tod-
21 dlers who are identified by law enforcement per-
22 sonnel as being present during illegal activities
23 related to methamphetamines or other illegal
24 substances; and

1 “(B) establishing and maintaining relation-
2 ships with substance abuse treatment programs
3 to increase access to treatment for parents of
4 maltreated infants and toddlers.

5 “(2) Identifying community needs related to
6 early childhood mental health services, and meeting
7 those needs by utilizing training provided by the Na-
8 tional Court Teams for Infants and Toddlers Re-
9 source Center on child-parent psychotherapy.

10 “(3) Any other activities that help meet the
11 needs and improve the health and developmental
12 outcomes of maltreated infants and toddlers in fos-
13 ter care.

14 **“SEC. 275. DATA COLLECTION, REPORTS, AND EVALUA-**
15 **TIONS.**

16 “(a) DATA COLLECTION AND REPORTS.—The Na-
17 tional Court Teams Resource Center shall—

18 “(1) establish a uniform data collection system
19 that shall be used to periodically collect from local
20 Court Teams data related to the operation and out-
21 comes of the projects;

22 “(2) compile such data annually and report to
23 the Administrator; and

1 “(3) in devising such data collection system,
2 consult with the organization awarded a contract
3 under subsection (b).

4 “(b) EVALUATION.—The Administrator shall conduct
5 a national evaluation over the course of the grant period
6 of the effectiveness of local Court Teams in—

7 “(1) linking children and families to appro-
8 priate services and supports that expedite perma-
9 nency and assist families in successful child-rearing
10 following case closure;

11 “(2) reducing the recurrence of abuse and ne-
12 glect;

13 “(3) promoting timely permanent placements of
14 maltreated infants and toddlers; and

15 “(4) reducing costs through system improve-
16 ments.

17 “(c) REPORTS TO CONGRESS BY THE ADMINIS-
18 TRATOR.—At the end of the 3-year period beginning on
19 the date of the enactment of this part, and again at the
20 end of the 5-year period beginning on such date of enact-
21 ment, the Administrator shall submit a report to Congress
22 addressing the implementation and effectiveness of the
23 Court Teams, including—

1 “(1) a compilation of the data on local Court
2 Teams included in the annual report from the Na-
3 tional Court Teams Resource Center; and

4 “(2) interim or final results from the national
5 evaluation of Court Teams.

6 **“SEC. 276. DEFINITIONS.**

7 “For the purposes of this part:

8 “(1) COURT-APPOINTED SPECIAL ADVOCATE.—

9 The term ‘court-appointed special advocate’ means
10 an individual who is trained by a recognized court-
11 appointed special advocate program and appointed
12 by a court to advocate for the best interests of chil-
13 dren who come into the court system primarily as a
14 result of abuse or neglect.

15 “(2) COURT IMPROVEMENT PROGRAM.—The
16 term ‘Court Improvement Program’ means a pro-
17 gram authorized under section 438 of the Social Se-
18 curity Act (42 U.S.C. 629h).

19 “(3) GUARDIAN AD LITEM.—The term ‘Guard-
20 ian Ad Litem’ means an attorney or court-appointed
21 special advocate who is appointed by a court to ad-
22 vocate for the best interests of children who come
23 into the court system primarily as a result of abuse
24 or neglect.

1 “(4) JUDICIAL EDUCATION ORGANIZATION.—

2 The term ‘judicial education organization’ means an
3 organization whose mission includes the provision of
4 training and technical assistance to juvenile and
5 family court judges.

6 “(5) KINSHIP PLACEMENT.—The term ‘kinship
7 placement’ means placement of a child with mem-
8 bers of the child’s extended family, biologically or
9 emotionally related to the child.

10 “(6) MALTREATED INFANT OR TODDLER.—The
11 term ‘maltreated infant or toddler’ means any child
12 3 years of age or younger who is the victim of a sub-
13 stantiated case of physical abuse, neglect, medical
14 neglect, sexual abuse, or emotional abuse.

15 “(7) NATIONAL EARLY CHILDHOOD DEVELOP-
16 MENT ORGANIZATION.—The term ‘national early
17 childhood development organization’ means a na-
18 tional nonprofit organization—

19 “(A) that is dedicated to supporting the
20 healthy development and well-being of infants,
21 toddlers, and their families; and

22 “(B) that has the capacity for research,
23 training, information dissemination, and leader-
24 ship development in all of the professional dis-

1 ciplines related to infants and toddlers 3 years
2 of age and younger.

3 “(8) QUALIFIED JUDGE.—The term ‘qualified
4 judge’ means a judge who presides over a court that
5 has jurisdiction over children in foster care, such as
6 a judge for a dependency, juvenile, or family court.”.

7 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 299 of the Juvenile Justice and Delinquency
9 Prevention Act of 1974 (42 U.S.C. 5671) is amended—
10 (1) in subsection (a)—

11 (A) in the header, by striking “Parts C
12 and E)” and inserting “Parts C, E, and F)”;
13 and

14 (B) in paragraph (2), by striking “parts C
15 and E)” and inserting “parts C, E, and F)”;

16 (2) by redesignating subsection (d) as sub-
17 section (e); and

18 (3) by inserting after subsection (c) the fol-
19 lowing new subsection:

20 “(d) AUTHORIZATION OF APPROPRIATIONS FOR
21 PART F.—There are authorized to be appropriated to
22 carry out part F \$5,000,000 for each of fiscal years 2010,
23 2011, 2012, 2013, and 2014.”.

○