

113TH CONGRESS
2D SESSION

S. 2054

To require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2014

Mr. MURPHY (for himself and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Child Abuse in
5 Residential Programs for Teens Act of 2014”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ASSISTANT SECRETARY.—The term “Assist-
9 ant Secretary” means the Assistant Secretary for

1 Children and Families of the Department of Health
2 and Human Services.

3 (2) CHILD.—The term “child” means an indi-
4 vidual who has not attained the age of 18.

5 (3) CHILD ABUSE AND NEGLECT.—The term
6 “child abuse and neglect” has the meaning given
7 such term in section 3 of the Child Abuse Preven-
8 tion and Treatment Act (42 U.S.C. 5101 note).

9 (4) COVERED PROGRAM.—

10 (A) IN GENERAL.—The term “covered pro-
11 gram” means each location of a program oper-
12 ated by a public or private entity that, with re-
13 spect to one or more children who are unrelated
14 to the owner or operator of the program—

15 (i) provides a residential environment,
16 such as—

17 (I) a program with a wilderness
18 or outdoor experience, expedition, or
19 intervention;

20 (II) a boot camp experience or
21 other experience designed to simulate
22 characteristics of basic military train-
23 ing or correctional regimes;

24 (III) a therapeutic boarding
25 school; or

1 (IV) a behavioral modification
2 program; and

3 (ii) operates with a focus on serving
4 children with—

5 (I) emotional, behavioral, or men-
6 tal health problems or disorders; or

7 (II) problems with alcohol or sub-
8 stance abuse.

9 (B) EXCLUSION.—The term “covered pro-
10 gram” does not include—

11 (i) a hospital licensed by the State; or

12 (ii) a foster family home that provides
13 24-hour substitute care for children placed
14 away from their parents or guardians and
15 for whom the State child welfare services
16 agency has placement and care responsi-
17 bility and that is licensed and regulated by
18 the State as a foster family home.

19 (5) PROTECTION AND ADVOCACY SYSTEM.—The
20 term “protection and advocacy system” means a
21 protection and advocacy system established under
22 section 143 of the Developmental Disabilities Assist-
23 ance and Bill of Rights Act of 2000 (42 U.S.C.
24 15043).

1 (6) STATE.—The term “State” has the mean-
 2 ing given such term in section 3 of the Child Abuse
 3 Prevention and Treatment Act (42 U.S.C. 5101
 4 note).

5 **SEC. 3. STANDARDS AND ENFORCEMENT.**

6 (a) MINIMUM STANDARDS.—

7 (1) IN GENERAL.—Not later than 180 days
 8 after the date of enactment of this Act, the Assist-
 9 ant Secretary for Children and Families of the De-
 10 partment of Health and Human Services shall re-
 11 quire each covered program, in order to provide for
 12 the basic health and safety of children at such a pro-
 13 gram, to meet the following minimum standards:

14 (A) Child abuse and neglect shall be pro-
 15 hibited.

16 (B) Disciplinary techniques or other prac-
 17 tices that involve the withholding of essential
 18 food, water, clothing, shelter, or medical care
 19 necessary to maintain physical health, mental
 20 health, and general safety, shall be prohibited.

21 (C) The protection and promotion of the
 22 right of each child at such a program to be free
 23 from physical restraints and mechanical re-
 24 straints and seclusion (as such terms are de-
 25 fined in section 595 of the Public Health Serv-

1 ice Act (42 U.S.C. 290jj)), and restraints that
2 impair breathing, to the same extent and in the
3 same manner as a non-medical, community-
4 based facility for children and youth is required
5 to protect and promote the right of its residents
6 to be free from such restraints and seclusion
7 under such section 595, including the prohibi-
8 tions and limitations described in subsection
9 (b)(3) of such section.

10 (D) Acts of physical or mental abuse de-
11 signed to humiliate, degrade, or undermine a
12 child's self-respect shall be prohibited.

13 (E) Each child at such a program shall
14 have reasonable access to a telephone, and be
15 informed of their right to such access, for mak-
16 ing and receiving phone calls with as much pri-
17 vacy as possible, and shall have access to the
18 appropriate State or local child abuse reporting
19 hotline number, and the national hotline num-
20 ber referred to in subsection (c)(2).

21 (F) Each staff member, including volun-
22 teers, at such a program shall be required, as
23 a condition of employment, to become familiar
24 with what constitutes child abuse and neglect,
25 as defined by State law.

1 (G) Each staff member, including volun-
2 teers, at such a program shall be required, as
3 a condition of employment, to become familiar
4 with the requirements, including with State law
5 relating to mandated reporters, and procedures
6 for reporting child abuse and neglect in the
7 State in which such a program is located.

8 (H) Full disclosure, in writing, of staff
9 qualifications and their roles and responsibil-
10 ities at such program, including medical, emer-
11 gency response, and mental health training,
12 shall be given to parents or legal guardians of
13 children at such a program, including providing
14 information on any staff changes, including
15 changes to any staff member's qualifications,
16 roles, or responsibilities, not later than 10 days
17 after such changes occur.

18 (I) Each staff member at a covered pro-
19 gram described in subclause (I) or (II) of sec-
20 tion 2(4)(A)(i) shall be required, as a condition
21 of employment, to be familiar with the signs,
22 symptoms, and appropriate responses associated
23 with heatstroke, dehydration, hypothermia, and
24 common medical emergencies including burns,
25 drowning, and insect and animal bites.

1 (J) Each staff member, including volun-
2 teers, shall be required, as a condition of em-
3 ployment, to submit to a criminal history check,
4 including a name-based search of the National
5 Sex Offender Registry established pursuant to
6 the Adam Walsh Child Protection and Safety
7 Act of 2006 (42 U.S.C. 16901 et seq.), a
8 search of the State criminal registry or reposi-
9 tory in the State in which the covered program
10 is operating, and a Federal Bureau of Inves-
11 tigation fingerprint check. An individual shall
12 be ineligible to serve in a position with any con-
13 tact with children at a covered program if any
14 such record check reveals a felony conviction for
15 child abuse or neglect, spousal abuse, a crime
16 against children (including child pornography),
17 or a crime involving violence, including rape,
18 sexual assault, or homicide, but not including
19 other physical assault or battery.

20 (K) The covered program shall provide an
21 independent process by which an applicant or
22 staff member who is determined to be ineligible
23 as a result of a criminal history check under
24 subparagraph (J) shall have the right—

1 (i) to obtain a copy of the report re-
2 sulting from the check; and

3 (ii) within 10 business days after re-
4 ceipt of the report, to appeal, in order to
5 dispute the accuracy of the information ob-
6 tained through the check.

7 (L) Each staff member at a covered pro-
8 gram shall be required to understand the poli-
9 cies and procedures for the provision of emer-
10 gency medical care, including policies for staff
11 protocols for implementing emergency re-
12 sponses.

13 (M) All promotional and informational ma-
14 terials produced by such a program shall in-
15 clude a hyperlink to or the URL address of the
16 website created by the Assistant Secretary pur-
17 suant to subsection (c)(1)(A).

18 (N) Policies to require—

19 (i) parents or legal guardians of a
20 child attending such a program to notify,
21 in writing, such program of any medication
22 the child is taking;

23 (ii) such program—

24 (I) to obtain consent from the
25 parents or legal guardians of the child

1 to make any change to the child's
2 medical treatment, except in the case
3 of an emergency; and

4 (II) in the case of an emergency,
5 to notify the parents or guardians
6 within 24 hours after any change to
7 the child's medical treatment and the
8 reason for such change; and

9 (iii) such program to notify the par-
10 ents or guardians within 24 hours after
11 any missed dosage of prescribed medica-
12 tion.

13 (O) Procedures for notifying immediately,
14 to the maximum extent practicable, but not
15 later than within 48 hours, parents or legal
16 guardians with children at such a program of
17 any—

18 (i) on-site investigation of a report of
19 child abuse and neglect;

20 (ii) violation of the health and safety
21 standards described in this paragraph; and

22 (iii) violation of State licensing stand-
23 ards developed pursuant to section
24 114(b)(1) of the Child Abuse Prevention

1 and Treatment Act, as added by section 7
2 of this Act.

3 (P) Other standards the Assistant Sec-
4 retary determines appropriate to provide for the
5 basic health and safety of children at such a
6 program.

7 (2) REGULATIONS.—

8 (A) INTERIM REGULATIONS.—Not later
9 than 180 days after the date of enactment of
10 this Act, the Assistant Secretary shall promul-
11 gate and enforce interim regulations to carry
12 out paragraph (1).

13 (B) PUBLIC COMMENT.—The Assistant
14 Secretary shall, for a 90-day period beginning
15 on the date of the promulgation of interim reg-
16 ulations under subparagraph (A) of this para-
17 graph, solicit and accept public comment con-
18 cerning such regulations. Such public comment
19 shall be submitted in written form.

20 (C) FINAL REGULATIONS.—Not later than
21 90 days after the conclusion of the 90-day pe-
22 riod referred to in subparagraph (B) of this
23 paragraph, the Assistant Secretary shall pro-
24 mulgate and enforce final regulations to carry
25 out paragraph (1).

1 (b) MONITORING AND ENFORCEMENT.—

2 (1) ON-GOING REVIEW PROCESS.—Not later
3 than 180 days after the date of enactment of this
4 Act, the Assistant Secretary shall implement an on-
5 going review process for investigating and evaluating
6 reports of child abuse and neglect at covered pro-
7 grams received by the Assistant Secretary from the
8 appropriate State, in accordance with section
9 114(b)(3) of the Child Abuse Prevention and Treat-
10 ment Act, as added by section 7 of this Act. Such
11 review process shall—

12 (A) include an investigation to determine if
13 a violation of the standards required under sub-
14 section (a)(1) has occurred;

15 (B) include an assessment of the State's
16 performance with respect to appropriateness of
17 response to and investigation of reports of child
18 abuse and neglect at covered programs and ap-
19 propriateness of legal action against responsible
20 parties in such cases;

21 (C) be completed not later than 60 days
22 after receipt by the Assistant Secretary of such
23 a report;

24 (D) not interfere with an investigation by
25 the State or a subdivision thereof; and

1 (E) be implemented in each State in which
2 a covered program operates until such time as
3 each such State has satisfied the requirements
4 under section 114(c) of the Child Abuse Pre-
5 vention and Treatment Act, as added by section
6 7 of this Act, as determined by the Assistant
7 Secretary, or 2 years has elapsed from the date
8 that such review process is implemented, which-
9 ever is later.

10 (2) CIVIL PENALTIES.—Not later than 180
11 days after the date of enactment of this Act, the As-
12 sistant Secretary shall promulgate regulations estab-
13 lishing civil penalties for violations of the standards
14 required under subsection (a)(1). The regulations es-
15 tablishing such penalties shall incorporate the fol-
16 lowing:

17 (A) Any owner or operator of a covered
18 program at which the Assistant Secretary has
19 found a violation of the standards required
20 under subsection (a)(1) may be assessed a civil
21 penalty not to exceed \$50,000 per violation.

22 (B) All penalties collected under this sub-
23 section shall be deposited in the appropriate ac-
24 count of the Treasury of the United States.

1 (c) DISSEMINATION OF INFORMATION.—The Assist-
2 ant Secretary shall establish, maintain, and disseminate
3 information about the following:

4 (1) Websites made available to the public that
5 contain, at a minimum, the following:

6 (A) The name and each location of each
7 covered program, and the name of each owner
8 and operator of each such program, operating
9 in each State, and information regarding—

10 (i) each such program’s history of vio-
11 lations of—

12 (I) regulations promulgated pur-
13 suant to subsection (a); and

14 (II) section 114(b)(1) of the
15 Child Abuse Prevention and Treat-
16 ment Act, as added by section 7 of
17 this Act;

18 (ii) each such program’s current sta-
19 tus with the State licensing requirements
20 under section 114(b)(1) of the Child Abuse
21 Prevention and Treatment Act, as added
22 by section 7 of this Act;

23 (iii) any deaths that occurred to a
24 child while under the care of such a pro-
25 gram, including any such deaths that oc-

1 curred in the 5-year period immediately
2 preceding the date of enactment of this
3 Act, and including the cause of each such
4 death;

5 (iv) each owner or operator of a cov-
6 ered program that was found to be in vio-
7 lation of the standards required under sub-
8 section (a)(1), or a violation of the licens-
9 ing standards developed pursuant to sec-
10 tion 114(b)(1) of the Child Abuse Preven-
11 tion and Treatment Act, as added by sec-
12 tion 7 of this Act, and who subsequently
13 owns or operates another covered program;
14 and

15 (v) any penalties levied under sub-
16 section (b)(2) and any other penalties lev-
17 ied by the State, against each such pro-
18 gram.

19 (B) Information on best practices for help-
20 ing adolescents with mental health disorders,
21 conditions, behavioral challenges, or alcohol or
22 substance abuse, including information to help
23 families access effective resources in their com-
24 munities.

1 (2) A national toll-free telephone hotline to re-
2 ceive complaints of child abuse and neglect at cov-
3 ered programs and violations of the standards re-
4 quired under subsection (a)(1).

5 (d) ACTION.—The Assistant Secretary shall establish
6 a process to—

7 (1) ensure complaints of child abuse and ne-
8 glect received by the hotline established pursuant to
9 subsection (c)(2) are promptly reviewed by persons
10 with expertise in evaluating such types of com-
11 plaints;

12 (2) immediately notify the State, appropriate
13 local law enforcement, and the appropriate protec-
14 tion and advocacy system of any credible complaint
15 of child abuse and neglect at a covered program re-
16 ceived by the hotline;

17 (3) investigate any such credible complaint not
18 later than 30 days after receiving such complaint to
19 determine if a violation of the standards required
20 under subsection (a)(1) has occurred; and

21 (4) ensure the collaboration and cooperation of
22 the hotline established pursuant to subsection (c)(2)
23 with other appropriate National, State, and regional
24 hotlines, and, as appropriate and practicable, with

1 other hotlines that might receive calls about child
2 abuse and neglect at covered programs.

3 **SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.**

4 If the Assistant Secretary determines that a violation
5 of subsection (a)(1) of section 3 has not been remedied
6 through the enforcement process described in subsection
7 (b)(2) of such section, the Assistant Secretary shall refer
8 such violation to the Attorney General for appropriate ac-
9 tion. Regardless of whether such a referral has been made,
10 the Attorney General may, sua sponte, file a complaint
11 in any court of competent jurisdiction seeking equitable
12 relief or any other relief authorized by this Act for such
13 violation.

14 **SEC. 5. REPORT.**

15 Not later than 1 year after the date of enactment
16 of this Act and annually thereafter, the Secretary of
17 Health and Human Services, in coordination with the At-
18 torney General shall submit to the Committee on Edu-
19 cation and Labor of the House of Representatives and the
20 Committee on Health, Education, Labor, and Pensions of
21 the Senate, a report on the activities carried out by the
22 Assistant Secretary and the Attorney General under this
23 Act, including—

24 (1) a summary of findings from on-going re-
25 views conducted by the Assistant Secretary pursuant

1 to section 3(b)(1), including a description of the
 2 number and types of covered programs investigated
 3 by the Assistant Secretary pursuant to such section;

4 (2) a description of types of violations of health
 5 and safety standards found by the Assistant Sec-
 6 retary and any penalties assessed;

7 (3) a summary of State progress in meeting the
 8 requirements of this Act, including the requirements
 9 under section 114 of the Child Abuse Prevention
 10 and Treatment Act, as added by section 7 of this
 11 Act;

12 (4) a summary of the Secretary's oversight ac-
 13 tivities and findings conducted pursuant to sub-
 14 section (d) of such section 114; and

15 (5) a description of the activities undertaken by
 16 the national toll-free telephone hotline established
 17 pursuant to section 3(c)(2).

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to the Sec-
 20 retary of Health and Human Services \$15,000,000 for
 21 each of fiscal years 2015 through 2019 to carry out this
 22 Act (excluding the amendment made by section 7 of this
 23 Act and section 8 of this Act). The Secretary of Health
 24 and Human Services shall reserve a portion of the appro-
 25 priated funds and make the portion available to the Comp-

1 troller General of the United States to carry out section
2 9.

3 **SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**
4 **GRANTS TO STATES TO PREVENT CHILD**
5 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**
6 **GRAMS.**

7 (a) IN GENERAL.—Title I of the Child Abuse Preven-
8 tion and Treatment Act (42 U.S.C. 5101 et seq.) is
9 amended by adding at the end the following new section:

10 **“SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**
11 **GRANTS TO STATES TO PREVENT CHILD**
12 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**
13 **GRAMS.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) CHILD.—The term ‘child’ means an indi-
16 vidual who has not attained the age of 18.

17 “(2) COVERED PROGRAM.—

18 “(A) IN GENERAL.—The term ‘covered
19 program’ means each location of a program op-
20 erated by a public or private entity that, with
21 respect to one or more children who are unre-
22 lated to the owner or operator of the program—

23 “(i) provides a residential environ-
24 ment, such as—

1 “(I) a program with a wilderness
2 or outdoor experience, expedition, or
3 intervention;

4 “(II) a boot camp experience or
5 other experience designed to simulate
6 characteristics of basic military train-
7 ing or correctional regimes;

8 “(III) a therapeutic boarding
9 school; or

10 “(IV) a behavioral modification
11 program; and

12 “(ii) operates with a focus on serving
13 children with—

14 “(I) emotional, behavioral, or
15 mental health problems or disorders;
16 or

17 “(II) problems with alcohol or
18 substance abuse.

19 “(B) EXCLUSION.—The term ‘covered pro-
20 gram’ does not include—

21 “(i) a hospital licensed by the State;
22 or

23 “(ii) a foster family home that pro-
24 vides 24-hour substitute care for children
25 placed away from their parents or guard-

1 ians and for whom the State child welfare
 2 services agency has placement and care re-
 3 sponsibility and that is licensed and regu-
 4 lated by the State as a foster family home.

5 “(3) PROTECTION AND ADVOCACY SYSTEM.—
 6 The term ‘protection and advocacy system’ means a
 7 protection and advocacy system established under
 8 section 143 of the Developmental Disabilities Assist-
 9 ance and Bill of Rights Act of 2000 (42 U.S.C.
 10 15043).

11 “(b) ELIGIBILITY REQUIREMENTS.—To be eligible to
 12 receive a grant under section 106, a State shall—

13 “(1) not later than 3 years after the date of en-
 14 actment of this section, develop policies and proce-
 15 dures to prevent child abuse and neglect at covered
 16 programs operating in such State, including having
 17 in effect health and safety licensing requirements
 18 applicable to and necessary for the operation of each
 19 location of such covered programs that include, at a
 20 minimum—

21 “(A) standards that meet or exceed the
 22 standards required under section 3(a)(1) of the
 23 Stop Child Abuse in Residential Programs for
 24 Teens Act of 2014;

1 “(B) the provision of essential food, water,
2 clothing, shelter, and medical care necessary to
3 maintain physical health, mental health, and
4 general safety of children at such programs;

5 “(C) policies for emergency medical care
6 preparedness and response, including minimum
7 staff training and qualifications for such re-
8 sponses; and

9 “(D) notification to appropriate staff at
10 covered programs if their position of employ-
11 ment meets the definition of mandated reporter,
12 as defined by the State;

13 “(2) develop policies and procedures to monitor
14 and enforce compliance with the licensing require-
15 ments developed in accordance with paragraph (1),
16 including—

17 “(A) designating an agency to be respon-
18 sible, in collaboration and consultation with
19 State agencies providing human services (in-
20 cluding child protective services, and services to
21 children with emotional, psychological, develop-
22 mental, or behavioral dysfunctions, impair-
23 ments, disorders, or alcohol or substance
24 abuse), State law enforcement officials, the ap-
25 propriate protection and advocacy system, and

1 courts of competent jurisdiction, for monitoring
2 and enforcing such compliance;

3 “(B) establishing a State licensing applica-
4 tion process through which any individual seek-
5 ing to operate a covered program would be re-
6 quired to disclose all previous substantiated re-
7 ports of child abuse and neglect and all child
8 deaths at any businesses previously or currently
9 owned or operated by such individual, except
10 that substantiated reports of child abuse and
11 neglect may remain confidential and all reports
12 shall not contain any personally identifiable in-
13 formation relating to the identity of individuals
14 who were the victims of such child abuse and
15 neglect;

16 “(C) conducting unannounced site inspec-
17 tions not less often than once every 2 years at
18 each location of a covered program;

19 “(D) creating a non-public database, to be
20 integrated with the annual State data reports
21 required under section 106(d), of reports of
22 child abuse and neglect at covered programs op-
23 erating in the State, except that such reports
24 shall not contain any personally identifiable in-
25 formation relating to the identity of individuals

1 who were the victims of such child abuse and
2 neglect; and

3 “(E) implementing a policy of graduated
4 sanctions, including fines and suspension and
5 revocation of licenses, against covered programs
6 operating in the State that are out of compli-
7 ance with such health and safety licensing re-
8 quirements;

9 “(3) if the State is not yet satisfying the re-
10 quirements of this subsection, in accordance with a
11 determination made pursuant to subsection (c), de-
12 velop policies and procedures for notifying the Sec-
13 retary and the appropriate protection and advocacy
14 system of any report of child abuse and neglect at
15 a covered program operating in the State not later
16 than 30 days after the appropriate State entity, or
17 subdivision thereof, determines such report should
18 be investigated and not later than 48 hours in the
19 event of a fatality;

20 “(4) if the Secretary determines that the State
21 is satisfying the requirements of this subsection, in
22 accordance with a determination made pursuant to
23 subsection (c), develop policies and procedures for
24 notifying the Secretary if—

1 “(A) the State determines there is evidence
2 of a pattern of violations of the standards re-
3 quired under paragraph (1) at a covered pro-
4 gram operating in the State or by an owner or
5 operator of such a program; or

6 “(B) there is a child fatality at a covered
7 program operating in the State;

8 “(5) develop policies and procedures for estab-
9 lishing and maintaining a publicly available database
10 of all covered programs operating in the State, in-
11 cluding the name and each location of each such
12 program and the name of the owner and operator of
13 each such program, information on reports of sub-
14 stantiated child abuse and neglect at such programs
15 (except that such reports shall not contain any per-
16 sonally identifiable information relating to the iden-
17 tity of individuals who were the victims of such child
18 abuse and neglect and that such database shall in-
19 clude and provide the definition of ‘substantiated’
20 used in compiling the data in cases that have not
21 been finally adjudicated), violations of standards re-
22 quired under paragraph (1), and all penalties levied
23 against such programs;

24 “(6) annually submit to the Secretary a report
25 that includes—

1 “(A) the name and each location of all cov-
2 ered programs, including the names of the own-
3 ers and operators of such programs, operating
4 in the State, and any violations of State licens-
5 ing requirements developed pursuant to sub-
6 section (b)(1); and

7 “(B) a description of State activities to
8 monitor and enforce such State licensing re-
9 quirements, including the names of owners and
10 operators of each covered program that under-
11 went a site inspection by the State, and a sum-
12 mary of the results and any actions taken; and

13 “(7) if the Secretary determines that the State
14 is satisfying the requirements of this subsection, in
15 accordance with a determination made pursuant to
16 subsection (c), develop policies and procedures to re-
17 port to the appropriate protection and advocacy sys-
18 tem any case of the death of an individual under the
19 control or supervision of a covered program not later
20 than 48 hours after the State is informed of such
21 death.

22 “(c) SECRETARIAL DETERMINATION.—The Secretary
23 shall not determine that a State’s licensing requirements,
24 monitoring, and enforcement of covered programs oper-

1 ating in the State satisfy the requirements of subsection

2 (b) unless—

3 “(1) the State implements licensing require-
4 ments for such covered programs that meet or ex-
5 ceed the standards required under subsection (b)(1);

6 “(2) the State designates an agency to be re-
7 sponsible for monitoring and enforcing compliance
8 with such licensing requirements;

9 “(3) the State conducts unannounced site in-
10 spections of each location of such covered programs
11 not less often than once every 2 years;

12 “(4) the State creates a non-public database of
13 such covered programs, to include information on re-
14 ports of child abuse and neglect at such programs
15 (except that such reports shall not contain any per-
16 sonally identifiable information relating to the iden-
17 tity of individuals who were the victims of such child
18 abuse and neglect);

19 “(5) the State implements a policy of graduated
20 sanctions, including fines and suspension and rev-
21 ocation of licenses against such covered programs
22 that are out of compliance with the health and safe-
23 ty licensing requirements under subsection (b)(1);
24 and

1 “(6) after a review of assessments conducted
 2 under section 3(b)(1)(B) of the Stop Child Abuse in
 3 Residential Programs for Teens Act of 2014, the
 4 Secretary determines the State is appropriately in-
 5 vestigating and responding to allegations of child
 6 abuse and neglect at such covered programs.

7 “(d) OVERSIGHT.—

8 “(1) IN GENERAL.—Beginning 2 years after the
 9 date of enactment of the Stop Child Abuse in Resi-
 10 dential Programs for Teens Act of 2014, the Sec-
 11 retary shall implement a process for continued moni-
 12 toring of each State that is determined to be satis-
 13 fying the licensing, monitoring, and enforcement re-
 14 quirements of subsection (b), in accordance with a
 15 determination made pursuant to subsection (c), with
 16 respect to the performance of each such State re-
 17 garding—

18 “(A) preventing child abuse and neglect at
 19 covered programs operating in each such State;
 20 and

21 “(B) enforcing the licensing standards de-
 22 scribed in subsection (b)(1).

23 “(2) EVALUATIONS.—The process required
 24 under paragraph (1) shall include in each State, at
 25 a minimum—

1 “(A) an investigation not later than 60
2 days after receipt by the Secretary of a report
3 from a State, or a subdivision thereof, of child
4 abuse and neglect at a covered program oper-
5 ating in the State, and submission of findings
6 to appropriate law enforcement or other local
7 entity where necessary, if the report indicates—

8 “(i) a child fatality at such program;

9 or

10 “(ii) there is evidence of a pattern of
11 violations of the standards required under
12 subsection (b)(1) at such program or by an
13 owner or operator of such program;

14 “(B) an annual review by the Secretary of
15 cases of reports of child abuse and neglect in-
16 vestigated at covered programs operating in the
17 State to assess the State’s performance with re-
18 spect to the appropriateness of response to and
19 investigation of reports of child abuse and ne-
20 glect at covered programs and the appropriate-
21 ness of legal actions taken against responsible
22 parties in such cases; and

23 “(C) unannounced site inspections of cov-
24 ered programs operating in the State to mon-
25 itor compliance with the standards required

1 under section 3(a) of the Stop Child Abuse in
 2 Residential Programs for Teens Act of 2014.

3 “(3) ENFORCEMENT.—If the Secretary deter-
 4 mines, pursuant to an evaluation under this sub-
 5 section, that a State is not adequately implementing,
 6 monitoring, and enforcing the licensing requirements
 7 of subsection (b)(1), the Secretary shall require, for
 8 a period of not less than 1 year, that—

9 “(A) the State shall inform the Secretary
 10 of each instance there is a report to be inves-
 11 tigated of child abuse and neglect at a covered
 12 program operating in the State; and

13 “(B) the Secretary and the appropriate
 14 local agency shall jointly investigate such re-
 15 port.”.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 17 112(a)(1) of the Child Abuse Prevention and Treatment
 18 Act (42 U.S.C. 5106h(a)(1)) is amended by striking
 19 “\$120,000,000” and all that follows through the period
 20 and inserting “\$235,000,000 for each of fiscal years 2015
 21 through 2019.”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) COORDINATION WITH AVAILABLE RE-
 24 SOURCES.—Section 103(c)(1)(D) of the Child Abuse
 25 Prevention and Treatment Act (42 U.S.C.

1 5104(c)(1)(D)) is amended by inserting after “spe-
 2 cific” the following: “(including reports of child
 3 abuse and neglect occurring at covered programs
 4 (except that such reports shall not contain any per-
 5 sonally identifiable information relating to the iden-
 6 tity of individuals who were the victims of such child
 7 abuse and neglect), as such term is defined in sec-
 8 tion 114)”.

9 (2) FURTHER REQUIREMENT.—Section
 10 106(b)(1) of the Child Abuse Prevention and Treat-
 11 ment Act (42 U.S.C. 5106a(b)(1)) is amended by
 12 adding at the end the following new subparagraph:

13 “(D) FURTHER REQUIREMENT.—To be eli-
 14 gible to receive a grant under this section, a
 15 State shall comply with the requirements under
 16 section 114(b) and shall include in the State
 17 plan submitted pursuant to subparagraph (A) a
 18 description of the activities the State will carry
 19 out to comply with the requirements under such
 20 section 114(b).”.

21 (3) ANNUAL STATE DATA REPORTS.—Section
 22 106(d) of the Child Abuse Prevention and Treat-
 23 ment Act (42 U.S.C. 5106a(d)) is amended—

24 (A) in paragraph (1), by inserting before
 25 the period at the end the following: “(including

1 reports of child abuse and neglect occurring at
 2 covered programs (except that such reports
 3 shall not contain any personally identifiable in-
 4 formation relating to the identity of individuals
 5 who were the victims of such child abuse and
 6 neglect), as such term is defined in section
 7 114)”; and

8 (B) in paragraph (6), by inserting before
 9 the period at the end the following: “or who
 10 were in the care of a covered program, as such
 11 term is defined in section 114”.

12 (d) CLERICAL AMENDMENT.—Section 1(b) of the
 13 Child Abuse Prevention and Treatment Act (42 U.S.C.
 14 5101 note) is amended by inserting after the item relating
 15 to section 113 the following new item:

“Sec. 114. Additional eligibility requirements for grants to States to prevent
 child abuse and neglect at residential programs.”.

16 **SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED**
 17 **PROGRAMS.**

18 (a) STUDY.—The Secretary of Health and Human
 19 Services shall conduct a study, in consultation with rel-
 20 evant agencies and experts, to examine the outcomes for
 21 children in both private and public covered programs
 22 under this Act (including the amendment made by this
 23 Act) encompassing a broad representation of treatment fa-
 24 cilities and geographic regions.

1 (b) REPORT.—Not later than 1 year after the date
 2 of enactment of this Act, the Secretary of Health and
 3 Human Services shall submit to the Committee on Edu-
 4 cation and the Workforce of the House of Representatives
 5 and the Committee on Health, Education, Labor, and
 6 Pensions of the Senate a report that contains the results
 7 of the study conducted under subsection (a).

8 **SEC. 9. STUDY AND REPORT ON EFFECTIVENESS OF RESI-**
 9 **DENTIAL TREATMENT PROGRAMS.**

10 (a) STUDY.—

11 (1) IN GENERAL.—The Comptroller General of
 12 the United States shall conduct a study on the im-
 13 plementation of this Act and the effectiveness of the
 14 covered programs under this Act (including the
 15 amendment made by this Act).

16 (2) MATTERS TO BE INCLUDED.—The study
 17 shall include all of the following items:

18 (A) A review of the effectiveness of all
 19 Federal programs to improve conditions and
 20 eliminate child abuse within the covered pro-
 21 grams.

22 (B) An assessment of the progress made
 23 by States and covered programs to comply with
 24 this Act, including the regulations promulgated
 25 by the Assistant Secretary.

1 (C) A review and assessment of the cir-
2 cumstances of all deaths to program partici-
3 pants that—

4 (i) were not caused by natural causes;
5 and

6 (ii) occurred while the participants
7 were in the care of a covered program.

8 (D) Collection of information on the num-
9 ber of substantiated reports of child abuse with-
10 in the covered programs, the nature of the child
11 abuse involved, and the demographic makeup of
12 youth served by the covered program.

13 (E) An assessment of the effectiveness of
14 the covered programs in reducing recidivism
15 rates for the youth served by the programs.

16 (b) CONSULTATION.—The Comptroller General shall
17 consult with the relevant agencies, experts, and non-
18 governmental organizations for purposes of conducting the
19 study.

20 (c) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Comptroller General shall
22 submit to the Committee on Education and the Workforce
23 of the House of Representatives and the Committee on
24 Health, Education, Labor, and Pensions of the Senate, a
25 report that contains the results of the study conducted

- 1 under subsection (a) and recommendations to improve
- 2 oversight and implementation of this Act.

