

113TH CONGRESS
2D SESSION

S. 2343

To amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2014

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, 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 “Speak Up to Protect
5 Every Abused Kid Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) children are dependent on the adults in
9 their lives, including parents, extended family, teach-

1 ers, health care providers, and others in their com-
2 munity, to ensure their safety and well-being;

3 (2) data from the Administration on Children
4 and Families for 2012 indicate that 678,810 chil-
5 dren in the United States were reported as being
6 victims of child abuse or neglect, and 11,539 of
7 those children died as a result of such abuse or ne-
8 glect;

9 (3) regardless of whether an adult is legally re-
10 quired to report child abuse and neglect, every adult
11 who suspects or knows about child abuse or neglect
12 has a moral duty to report such concerns to the ap-
13 propriate authorities; and

14 (4) establishing a Federal standard for the
15 classes of individuals that State law establishes as
16 mandated reporters will protect children and ensure
17 greater consistency among the laws of States, while
18 allowing States the flexibility to establish additional
19 classes of individuals as mandated reporters.

20 **SEC. 3. EDUCATIONAL CAMPAIGNS AND TRAINING.**

21 The Child Abuse Prevention and Treatment Act is
22 amended by inserting after section 103 (42 U.S.C. 5104)
23 the following:

1 **“SEC. 103A. EDUCATIONAL CAMPAIGNS AND TRAINING.**

2 “(a) IN GENERAL.—The Secretary shall make grants
3 to eligible entities to carry out educational campaigns and
4 provide evidence-based or evidence-informed training re-
5 garding State laws for mandatory reporting of incidents
6 of child abuse or neglect.

7 “(b) GUIDANCE AND INFORMATION ON BEST PRAC-
8 TICES.—The Secretary shall develop and disseminate
9 guidance and information on best practices for—

10 “(1) educational campaigns to educate members
11 of the public about—

12 “(A) the acts and omissions that constitute
13 child abuse or neglect under State law;

14 “(B) the responsibilities of adults to report
15 suspected and known incidents of child abuse or
16 neglect under State law; and

17 “(C) the resources available to struggling
18 families to help prevent child abuse and neglect;
19 and

20 “(2) evidence-based or evidence-informed train-
21 ing programs to improve such reporting by adults,
22 with a focus on adults who work with children in a
23 professional or volunteer capacity.

24 “(c) APPLICATIONS.—To be eligible to receive a grant
25 under this section, an entity shall submit an application
26 to the Secretary at such time, in such manner, and con-

1 taining such information as the Secretary may require. In
 2 determining whether to make a grant under this section,
 3 the Secretary shall determine whether the educational
 4 campaign or training proposed by the entity uses practices
 5 described in the guidance and information developed
 6 under subsection (b).

7 “(d) USE OF FUNDS.—An entity that receives a
 8 grant under this section shall use the funds made available
 9 through the grant to carry out an educational campaign,
 10 or provide training, described in subsection (b).

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 12 is authorized to be appropriated to carry out this section
 13 \$5,000,000 for fiscal year 2015 and \$10,000,000 for each
 14 of fiscal years 2016 through 2019.”.

15 **SEC. 4. GRANTS TO STATES FOR CHILD ABUSE OR NE-**
 16 **GLECT PREVENTION AND TREATMENT PRO-**
 17 **GRAMS.**

18 Section 106(b) of the Child Abuse Prevention and
 19 Treatment Act (42 U.S.C. 5106a(b)) is amended—

20 (1) in paragraph (2)—

21 (A) in subparagraph (B), by striking “(B)
 22 an assurance” and all that follows through the
 23 end of clause (i), and inserting the following:

24 “(B) an assurance in the form of a certifi-
 25 cation by the Governor of the State that the

1 State has in effect and is enforcing a State law,
2 or has in effect and is operating a statewide
3 program, relating to child abuse and neglect
4 that includes—

5 “(i) provisions or procedures for an
6 individual described in paragraph (5) to re-
7 port suspected or known incidents of child
8 abuse or neglect to a State child protective
9 service agency or to a law enforcement
10 agency, which shall include a State law for
11 mandatory reporting of such incidents, to
12 either type of agency, by any individual de-
13 scribed in paragraph (5), in accordance
14 with paragraph (6);”;

15 (B) in subparagraph (F), by striking “;
16 and” and inserting “;”;

17 (C) in subparagraph (G), by striking the
18 period at the end and inserting “;”;

19 (D) by inserting after subparagraph (G)
20 the following:

21 “(H) an assurance that the State, in devel-
22 oping the State plan described in paragraph
23 (1), has established procedures to ensure co-
24 ordination between the State law or statewide
25 program described in subparagraph (B) and

1 relevant law enforcement and State or commu-
2 nity-based victims' services agencies to ensure
3 that children who are the victims of acts by a
4 perpetrator other than a parent or caretaker
5 that would be considered child abuse or neglect
6 under section 3(2) if the perpetrator of such act
7 were a parent or caretaker, are referred for ap-
8 propriate follow-up services, even if such chil-
9 dren do not qualify for the protections under
10 such State law or statewide program; and

11 “(I) an assurance that the State will—

12 “(i) take primary responsibility to ac-
13 cept and investigate reports of known and
14 suspected child abuse or neglect pertaining
15 to an incident that occurred in that State,
16 even if the child or the alleged perpetrator
17 resides in a different State;

18 “(ii) in the case of a State that takes
19 primary responsibility to investigate a re-
20 port as described in clause (i), share the
21 results of the investigation with the State
22 where the child resides and with the State
23 where the alleged perpetrator resides; and

24 “(iii) in the case of a State in which
25 the child or alleged perpetrator resides, but

1 where the alleged incident did not occur,
2 establish a plan to assist the State with
3 primary responsibility for the investiga-
4 tion.”; and

5 (2) by adding at the end the following:

6 “(5) INDIVIDUALS REQUIRED TO REPORT SUS-
7 PECTED OR KNOWN CHILD ABUSE OR NEGLECT.—
8 To satisfy the requirements of paragraph (2)(B)(i),
9 a State law for mandatory reporting described in
10 such paragraph shall require all of the following in-
11 dividuals to report suspected or known incidents of
12 child abuse or neglect:

13 “(A) Individuals licensed or certified to
14 practice in any health-related field licensed by
15 the State, employees of health care facilities or
16 providers licensed by the State, who are en-
17 gaged in the admission, examination, care or
18 treatment of individuals, including mental
19 health and emergency medical services pro-
20 viders.

21 “(B) Individuals employed by a school who
22 have direct contact with children, including
23 teachers, administrators, and independent con-
24 tractors.

1 “(C) Peace officers and law enforcement
2 personnel.

3 “(D) Clergy, including Christian Science
4 practitioners, except where prohibited on ac-
5 count of clergy-penitent privilege.

6 “(E) Day care and child care operators
7 and employees.

8 “(F) Employees of social services agencies
9 who have direct contact with children in the
10 course of employment.

11 “(G) Foster parents.

12 “(H) Court appointed special advocates
13 (employees and volunteers).

14 “(I) Camp and after-school employees.

15 “(J) An individual, paid or unpaid, who,
16 on the basis of the individual’s role as an inte-
17 gral part of a regularly scheduled program, ac-
18 tivity, or service, accepts responsibility for a
19 child.

20 “(K) Other individuals, as the applicable
21 State law or statewide program may require.

22 “(6) REPORTING REQUIREMENT.—To satisfy
23 the requirements of paragraph (2)(B)(i), a State law
24 for mandatory reporting described in such para-
25 graph shall require such individuals to report sus-

1 pected or known incidents of child abuse or neglect
 2 directly to the appropriate law enforcement or child
 3 welfare agency (as applicable under State law) and,
 4 if applicable, to the individual’s supervisor or em-
 5 ployer.”.

6 **SEC. 5. APPROACHES AND TECHNIQUES TO IMPROVE RE-**
 7 **PORTING.**

8 (a) **ELIGIBILITY.**—Section 107(b) of the Child Abuse
 9 Prevention and Treatment Act (42 U.S.C. 5107c(b)) is
 10 amended—

11 (1) in paragraph (4)—

12 (A) in subparagraph (A), by striking
 13 “and” at the end; and

14 (B) by adding at the end the following:

15 “(C) support training for adults who work
 16 with children in a professional or volunteer ca-
 17 pacity, to report suspected and known incidents
 18 of child abuse or neglect under State law; and”;
 19 and

20 (2) in paragraph (5), by inserting before the pe-
 21 riod “and the training described in paragraph
 22 (4)(C)”.

23 (b) **STATE TASK FORCE STUDY.**—Section 107(d) of
 24 such Act (42 U.S.C. 5107c(d)) is amended—

1 (1) in paragraph (1), by striking “and” at the
2 end;

3 (2) in paragraph (2), by striking the period and
4 inserting “; and”; and

5 (3) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) evaluate the State’s efforts to train adults
8 who work with children in a professional or volun-
9 teer capacity, to report suspected and known inci-
10 dents of child abuse or neglect under State law.”.

11 (c) ADOPTION OF RECOMMENDATIONS.—Section
12 107(e)(1) of such Act (42 U.S.C. 5107c(e)(1)) is amend-
13 ed—

14 (1) in subparagraph (B), by striking “and” at
15 the end;

16 (2) in subparagraph (C), by striking the period
17 and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(D) experimental, model, and demonstra-
20 tion programs for testing innovative approaches
21 and techniques that may improve reporting of
22 and response to suspected and known incidents
23 of child abuse or neglect by adults to the State
24 child protective service agencies or to law en-
25 forcement agencies.”.

1 **SEC. 6. GENERAL PROGRAM GRANTS.**

2 Section 108 of the Child Abuse Prevention and
3 Treatment Act (42 U.S.C. 5106d) is amended by adding
4 at the end the following:

5 “(f) MANDATORY REPORTING.—To be eligible to re-
6 ceive any form of financial assistance under this title, a
7 State shall include in the corresponding plan or applica-
8 tion an assurance that the State has in effect a State law
9 for mandatory reporting described in section
10 106(b)(2)(B)(i).”.

11 **SEC. 7. REPORTS.**

12 Section 110 of the Child Abuse Prevention and
13 Treatment Act (42 U.S.C. 5106f) is amended by adding
14 at the end the following:

15 “(e) STUDY AND REPORT ON STATE MANDATORY
16 REPORTING LAWS.—

17 “(1) STUDY.—Not later than 4 years after the
18 date of enactment of the Speak Up to Protect Every
19 Abused Kid Act, the Secretary shall collect informa-
20 tion on and otherwise study the efforts of States re-
21 lating to State laws for mandatory reporting of inci-
22 dents of child abuse or neglect, in order to assess
23 the implementation of the amendments made by that
24 Act.

25 “(2) REPORT.—

“(A) IN GENERAL.—Not later than 4 years after the date of enactment of the Speak Up to Protect Every Abused Kid Act, the Secretary shall submit to the appropriate committees of Congress a report containing the findings of the study under paragraph (1).

“(B) CONTENTS.—The report submitted under subparagraph (A) shall—

“(i) provide an update on—

“(I) implementation of State laws for mandatory reporting described in section 106(b)(2)(B)(i); and

“(II) State efforts to improve reporting on, and responding to reports of, child abuse or neglect; and

“(ii) include data regarding any changes in the rate of substantiated child abuse reports and changes in the rate of child abuse fatalities since the date of enactment of the Speak Up to Protect Every Abused Kid Act.”.

SEC. 8. COMMUNITY-BASED GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

1 (1) in paragraph (11), by striking “and” at the
2 end;

3 (2) in paragraph (12), by striking the period
4 and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(13) an assurance that the State has in effect
7 a State law for mandatory reporting described in
8 section 106(b)(2)(B)(i).”.

9 **SEC. 9. EFFECTIVE DATE.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), this Act takes effect on the date of enactment of this
12 Act.

13 (b) MANDATORY REPORTING REQUIREMENTS.—The
14 amendments made by sections 4, 5(a), 6, and 8 shall apply
15 to the corresponding plans and applications submitted
16 after the date that is 2 years after the date of enactment
17 of this Act.

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