

Public Law 117–354
117th Congress

An Act

Jan. 5, 2023
[S. 4926]

Respect for Child
Survivors Act.
28 USC 1 note.

To amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Respect for Child Survivors Act”.

SEC. 2. MULTIDISCIPLINARY TEAMS.

(a) AMENDMENT.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

28 USC 540D.

“§ 540D. Multidisciplinary teams

“(a) DEFINITIONS.—In this section—

“(1) the term ‘child sexual abuse material’ means a visual depiction described in section 2256(8)(A) of title 18;

“(2) the term ‘covered investigation’ means any investigation of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation;

“(3) the term ‘Director’ means the Director of the Federal Bureau of Investigation;

“(4) the term ‘multidisciplinary team’ means a multidisciplinary team established or used under subsection (b)(2);

“(5) the term ‘relevant children’s advocacy center personnel’ means children’s advocacy center staff that regularly participate in multidisciplinary child support settings, including the director of the children’s advocacy center, the coordinator of a multidisciplinary team, forensic interviewers, victim advocates, forensic medical evaluators, physicians, sexual assault nurse examiners, and mental health clinicians; and

“(6) the term ‘victim advocate’ means a person, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of a victim services program.

“(b) FBI VICTIM SUPPORT REQUIREMENTS.—

“(1) IN GENERAL.—To carry out the functions described in subsection (c) in connection with each covered investigation conducted by the Federal Bureau of Investigation, the Director shall, unless unavailable or otherwise inconsistent with applicable Federal law—

“(A) use a multidisciplinary team; and

“(B) in accordance with paragraph (3), use—

“(i) a trained Federal Bureau of Investigation child adolescent forensic interviewer; or

“(ii) in the absence of a trained Federal Bureau of Investigation child adolescent forensic interviewer, a trained forensic interviewer at a children’s advocacy center.

“(2) USE AND COORDINATION.—The Director shall use and coordinate with children’s advocacy center-based multidisciplinary teams as necessary to carry out paragraph (1).

“(3) CHILDREN’S ADVOCACY CENTERS.—The Director—

“(A) may work with children’s advocacy centers to implement a multidisciplinary team approaches for purposes of covered investigations; and

“(B) shall allow, facilitate, and encourage multidisciplinary teams to collaborate with a children’s advocacy center with regard to availability, provision, and use of services to and by victims and families that are participants in or affected by the actions at issue in a covered investigation.

“(4) REPORT.—The Director shall submit to the Attorney General an annual report identifying any interview of a victim reporting child sexual abuse material or child trafficking that took place—

“(A) without the use of—

“(i) a multidisciplinary approach;

“(ii) a trained forensic interviewer; or

“(iii) either the use of a multidisciplinary approach or a trained forensic interviewer; and

“(B) for each interview identified under subparagraph (A), describing the exigent circumstances that existed with respect to the interview, in accordance with paragraph (1).

“(5) MEMORANDA OF UNDERSTANDING.—The Director shall seek to enter into a memorandum of understanding with a reputable national accrediting organization for children’s advocacy centers—

“(A) under which—

“(i) the children’s advocacy services of the national organization are made available to field offices of the Federal Bureau of Investigation in the United States; and

“(ii) special agents and other employees of the Federal Bureau of Investigation are made aware of the existence of such memoranda and its purposes; and

“(B) which shall reflect a trauma-informed, victim-centered approach and provide for case review.

“(c) FUNCTIONS.—The functions described in this subsection are the following:

“(1) To provide for the sharing of information among the members of a multidisciplinary team, when such a team is used, and with other appropriate personnel regarding the progress of a covered investigation by the Federal Bureau of Investigation.

“(2) To provide for and enhance collaborative efforts among the members of a multidisciplinary team, when such a team

is used, and other appropriate personnel regarding a covered investigation.

“(3) To enhance the social services available to victims in connection with a covered investigation, including through the enhancement of cooperation among specialists and other personnel providing such services in connection with a covered investigation.

“(4) To carry out other duties regarding the response to investigations of child sexual abuse or trafficking.

“(d) PERSONNEL.—

“(1) IN GENERAL.—Each multidisciplinary team shall be composed of the following:

“(A) Appropriate investigative personnel.

“(B) Appropriate mental health professionals.

“(C) Appropriate medical personnel.

“(D) Victim advocates or victim specialists.

“(E) Relevant children’s advocacy center personnel, with respect to covered investigations in which the children’s advocacy center or personnel of the children’s advocacy center were used in the course of the covered investigation.

“(F) Prosecutors, as appropriate.

“(2) EXPERTISE AND TRAINING.—

“(A) IN GENERAL.—Any individual assigned to a multidisciplinary team shall possess such expertise, and shall undertake such training as is required to maintain such expertise, in order to ensure that members of the team remain appropriately qualified to carry out the functions of the team under this section.

“(B) REQUIREMENT.—The training and expertise required under subparagraph (A) shall include training and expertise on special victims’ crimes, including child sexual abuse.

“(e) SHARING OF INFORMATION.—

“(1) ACCESS TO INFORMATION.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), relevant children’s advocacy center personnel who are assigned to work on a covered investigation under this section shall be granted access to the case information necessary to perform their role conducting forensic interviews and providing mental health treatment, medical care, and victim advocacy for Federal Bureau of Investigation cases.

“(B) INCLUDED INFORMATION.—The case information described in subparagraph (A) to which relevant children’s advocacy center personnel shall be granted access includes—

“(i) case outcome of forensic interviews;

“(ii) medical evaluation outcomes;

“(iii) mental health treatment referrals and treatment completion;

“(iv) safety planning and child protection issues;

“(v) victim service needs and referrals addressed by the victim advocate;

“(vi) case disposition;

“(vii) case outcomes; and

“(viii) any other information required for a children’s advocacy centers as a part of the standards of practice of the children’s advocacy center; and

“(C) EXEMPT INFORMATION.—The case information described in subparagraph (A) does not include—

“(i) classified information;

“(ii) the identity of confidential informants; or

“(iii) other investigative information not included as a part of the standards of practice of the children’s advocacy center.

“(2) SHARING INFORMATION WITH FBI.—Children’s advocacy centers shall provide the Federal Bureau of Investigation with forensic interview recordings and documentation, medical reports, and other case information on Federal Bureau of Investigation-related cases.

“(3) SECURITY CLEARANCES.—

“(A) IN GENERAL.—The Federal Bureau of Investigation may provide security clearances to relevant children’s advocacy center personnel for purposes of case review by multidisciplinary teams, if it is determined that those personnel are eligible and possess a need-to-know specific classified information to perform or assist in a lawful and authorized government function.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out subparagraph (A).

“(f) USE OF TEAMS.—Multidisciplinary teams used under this section shall be made available to victims reporting child sexual abuse or child trafficking in covered investigations, regardless of the age of the victim making the report.

“(g) CASE REVIEW BY MULTIDISCIPLINARY TEAM.—Throughout a covered investigation, a multidisciplinary team supporting an investigation under this section shall, at regularly scheduled times, convene to—

“(1) share information about case progress;

“(2) address any investigative or prosecutorial barriers;

and

“(3) ensure that victims receive support and needed treatment.

“(h) AVAILABILITY OF ADVOCATES.—The Director shall make advocates available to each victim who reports child sexual abuse or child trafficking in connection with an investigation by the Federal Bureau of Investigation.

“(i) RULES OF CONSTRUCTION.—

“(1) INVESTIGATIVE AUTHORITY.—Nothing in this section shall be construed to augment any existing investigative authority of the Federal Bureau of Investigation or to expand the jurisdiction of any Federal law enforcement agency.

“(2) PROTECTING INVESTIGATIONS.—Nothing in this section shall be construed to limit the legal obligations of the Director under any other provision of law, including section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’), or require the sharing of classified information with unauthorized persons.”.

28 USC
prec. 531.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540C the following: “540D. Multidisciplinary teams.”.

SEC. 3. IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

The Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.) is amended—

- (1) in section 211 (34 U.S.C. 20301)—
 - (A) in paragraph (1)—
 - (i) by striking “3,300,000” and inserting “3,400,000”; and
 - (ii) by striking “, and drug abuse is associated with a significant portion of these”;
 - (B) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;
 - (C) by inserting after paragraph (2) the following:

“(3) a key to a child victim healing from abuse is access to supportive and healthy families and communities;”; and
 - (D) in paragraph (9)(B), as so redesignated, by inserting “, and operations of centers” before the period at the end;
- (2) in section 212 (34 U.S.C. 20302)—
 - (A) in paragraph (5), by inserting “coordinated team” before “response”; and
 - (B) in paragraph (8), by inserting “organizational capacity” before “support”;
- (3) in section 213 (34 U.S.C. 20303)—
 - (A) in subsection (a)—
 - (i) in the heading, by inserting “AND MAINTENANCE” after “ESTABLISHMENT”;
 - (ii) in the matter preceding paragraph (1)—
 - (I) by striking “, in coordination with the Director of the Office of Victims of Crime,”; and
 - (II) by inserting “and maintain” after “establish”;
 - (iii) in paragraph (3)—
 - (I) by striking “and victim advocates” and inserting “victim advocates, multidisciplinary team leadership, and children’s advocacy center staff”; and
 - (II) by striking “and” at the end;
 - (iv) by redesignating paragraph (4) as paragraph (5);
 - (v) by inserting after paragraph (3) the following:

“(4) provide technical assistance, training, coordination, and organizational capacity support for State chapters; and”; and
 - (vi) in paragraph (5), as so redesignated, by striking “and oversight to” and inserting “organizational capacity support, and oversight of”;
- (B) in subsection (b)—
 - (i) in paragraph (1)—
 - (I) in subparagraph (A), by inserting “and maintain” after “establish”; and
 - (II) in the matter following subparagraph (B), by striking “and technical assistance to aid communities in establishing” and inserting “training and

technical assistance to aid communities in establishing and maintaining”; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in clause (ii), by inserting “Center” after “Advocacy”; and

(bb) in clause (iii), by striking “of, assessment of, and intervention in” and inserting “and intervention in child”; and

(II) in subparagraph (B), by striking “centers and interested communities” and inserting “centers, interested communities, and chapters”; and

(C) in subsection (c)—

(i) in paragraph (2)—

(I) in subparagraph (B), by striking “evaluation, intervention, evidence gathering, and counseling” and inserting “investigation and intervention in child abuse”; and

(II) in subparagraph (E), by striking “judicial handling of child abuse and neglect” and inserting “multidisciplinary response to child abuse”;

(ii) in paragraph (3)(A)(i), by striking “so that communities can establish multidisciplinary programs that respond to child abuse” and inserting “and chapters so that communities can establish and maintain multidisciplinary programs that respond to child abuse and chapters can establish and maintain children’s advocacy centers in their State”;

(iii) in paragraph (4)(B)—

(I) in clause (iii), by striking “and” at the end;

(II) in by redesignating clause (iv) as clause (v); and

(III) by inserting after clause (iii) the following:

“(iv) best result in supporting chapters in each State; and”; and

(iv) in paragraph (6), by inserting “under this Act” after “recipients”;

(4) in section 214 (34 U.S.C. 20304)—

(A) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Administrator shall make grants to— Grants.

“(1) establish and maintain a network of care for child abuse victims where investigation, prosecutions, and interventions are continually occurring and coordinating activities within local children’s advocacy centers and multidisciplinary teams;

“(2) develop, enhance, and coordinate multidisciplinary child abuse investigations, intervention, and prosecution activities;

“(3) promote the effective delivery of the evidence-based, trauma-informed Children’s Advocacy Center Model and the multidisciplinary response to child abuse; and

“(4) develop and disseminate practice standards for care and best practices in programmatic evaluation, and support State chapter organizational capacity and local children’s Standards.

advocacy center organizational capacity and operations in order to meet such practice standards and best practices.”;

(B) in subsection (b), by striking “, in coordination with the Director of the Office of Victims of Crime,”;

(C) in subsection (c)(2)—

(i) in subparagraph (C), by inserting “to the greatest extent practicable, but in no case later than 72 hours,” after “hours”; and

(ii) by striking subparagraphs (D) through (I) and inserting the following:

“(D) Forensic interviews of child victims by trained personnel that are used by law enforcement, health, and child protective service agencies to interview suspected abuse victims about allegations of abuse.

“(E) Provision of needed follow up services such as medical care, mental healthcare, and victims advocacy services.

“(F) A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the children’s advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services.

Coordination.

“(G) Coordination of each step of the investigation process to eliminate duplicative forensic interviews with a child victim.

Designation.

“(H) Designation of a director for the children’s advocacy center.

Designation.

“(I) Designation of a multidisciplinary team coordinator.

“(J) Assignment of a volunteer or staff advocate to each child in order to assist the child and, when appropriate, the child’s family, throughout each step of intervention and judicial proceedings.

Coordination.

“(K) Coordination with State chapters to assist and provide oversight, and organizational capacity that supports local children’s advocacy centers, multidisciplinary teams, and communities working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

Criteria.
Regulations.

“(L) Such other criteria as the Administrator shall establish by regulation.”; and

(D) by striking subsection (f) and inserting the following:

“(f) GRANTS TO STATE CHAPTERS FOR ASSISTANCE TO LOCAL CHILDREN’S ADVOCACY CENTERS.—In awarding grants under this section, the Administrator shall ensure that a portion of the grants is distributed to State chapters to enable State chapters to provide oversight, training, and technical assistance to local centers on evidence-informed initiatives including mental health, counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.”;

(5) in section 214A (34 U.S.C. 20305)—

(A) in subsection (a)—

(i) in paragraph (1), by striking “attorneys and other allied” and inserting “prosecutors and other attorneys and allied”; and

(ii) in paragraph (2)(B), by inserting “Center” after “Advocacy”; and

(B) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

“(A) a significant connection to prosecutors who handle child abuse cases in State courts, such as a membership organization or support service providers; and”; and

(6) by striking 214B (34 U.S.C. 20306) and inserting the following:

“SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out sections 213, 214, and 214A, \$40,000,000 for each of fiscal years 2022 through 2028.”.

Time period.
34 USC 20306.

Approved January 5, 2023.

LEGISLATIVE HISTORY—S. 4926:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Dec. 13, considered and passed Senate.

Dec. 21, considered and passed House.