

§ 5106d. Miscellaneous requirements relating to assistance

(a) Construction of facilities

(1) Restriction on use of funds

Assistance provided under this subchapter and subchapter III may not be used for construction of facilities.

(2) Lease, rental, or repair

The Secretary may authorize the use of funds received under this subchapter and subchapter III—

(A) where adequate facilities are not otherwise available, for the lease or rental of facilities; or

(B) for the repair or minor remodeling or alteration of existing facilities.

(b) Geographical distribution

The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this subchapter and subchapter III among the States, among geographic areas of the Nation, and among rural and urban areas of the Nation. To the extent possible, the Secretary shall ensure that the citizens of each State receive assistance from at least one project under this subchapter and subchapter III.

(c) Limitation

No funds appropriated for any grant or contract pursuant to authorizations made in this subchapter and subchapter III may be used for any purpose other than that for which such funds were authorized to be appropriated.

(d) Sense of Congress

It is the sense of Congress that the Secretary should encourage all States and public and private entities that receive assistance under this subchapter to—

(1) ensure that children and families with limited English proficiency who participate in programs under this subchapter are provided with materials and services through such programs in an appropriate language other than English; and

(2) ensure that individuals with disabilities who participate in programs under this subchapter are provided with materials and services through such programs that are appropriate to their disabilities.

(e) Annual report

A State that receives funds under section 5106a(a) of this title shall annually prepare and submit to the Secretary a report describing the manner in which funds provided under this subchapter and subchapter III, alone or in combination with other Federal funds, were used to address the purposes and achieve the objectives of section 5106a of this title.

(Pub. L. 93-247, title I, §108, formerly §11, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 115; renumbered title I, §110, Pub. L. 101-126, §3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; renumbered §108 and amended Pub. L. 104-235, title I, §§109, 113(a)(1)(B), Oct. 3, 1996, 110 Stat. 3078, 3079; Pub. L. 108-36, title I, §116, June 25, 2003, 117 Stat. 812; Pub. L. 111-320, title I, §117, Dec. 20, 2010, 124 Stat. 3475.)

Editorial Notes

PRIOR PROVISIONS

A prior section 108 of Pub. L. 93-247 was classified to section 5106b of this title prior to repeal by Pub. L. 104-235.

AMENDMENTS

2010—Subsec. (d). Pub. L. 111-320 amended subsec. (d) generally. Prior to amendment, text read as follows: “It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this subchapter to ensure that children and families with limited English proficiency who participate in programs under this subchapter are provided materials and services under such programs in an appropriate language other than English.”

2003—Subsecs. (d), (e). Pub. L. 108-36 added subsecs. (d) and (e).

1996—Subsecs. (c), (d). Pub. L. 104-235 redesignated subsec. (d) as (c) and struck out heading and text of former subsec. (c). Text read as follows: “The Secretary, in consultation with the task force and the board, shall ensure that a majority share of assistance under this subchapter and subchapters III and V of this chapter is available for discretionary research and demonstration grants.”

§ 5106e. Coordination of child abuse and neglect programs

The Secretary shall prescribe regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination among programs related to child abuse and neglect under this subchapter and subchapter III and other such programs which are assisted by Federal funds.

(Pub. L. 93-247, title I, §109, formerly §12, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, §111, Pub. L. 101-126, §3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; renumbered §109, Pub. L. 104-235, title I, §113(a)(1)(B), Oct. 3, 1996, 110 Stat. 3079.)

Editorial Notes

PRIOR PROVISIONS

A prior section 109 of Pub. L. 93-247 was renumbered section 107 and is classified to section 5106c of this title.

§ 5106f. Reports

(a) Coordination efforts

Not later than 1 year after December 20, 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after December 20, 2010, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following December 20, 2010. Not later than 5 years after December 20, 2010, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following December 20, 2010.

(b) Effectiveness of State programs and technical assistance

Not later than 2 years after December 20, 2010, and every 2 years thereafter, the Secretary shall

submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 5106a of this title in achieving the objectives of section 5106a of this title.

(c) Study and report relating to citizen review panels

(1) In general

The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 5106a(c) of this title, in achieving the stated function of such panels under section 5106a(c)(4)(A) of this title of—

(A) examining the policies, procedures, and practices of State and local child protection agencies; and

(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 5106a(c)(4)(A) of this title.

(2) Content of study

The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

(C) Evidence of the adherence and responsiveness to the reporting requirements under section 5106a(c)(6) of this title by citizen review panels and States.

(3) Report

Not later than 2 years after December 20, 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).

(d) Study and report relating to immunity from prosecution for professional consultation in suspected and known instances of child abuse and neglect

(1) Study

The Secretary shall complete a study, in consultation with experts in the provision of healthcare, law enforcement, education, and local child welfare administration, that examines how provisions for immunity from prosecution under State and local laws and regulations facilitate and inhibit individuals cooperating, consulting, or assisting in making good

faith reports, including mandatory reports, of suspected or known instances of child abuse or neglect.

(2) Report

Not later than 1 year after December 20, 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1) and any recommendations for statutory or regulatory changes the Secretary determines appropriate. Such report may be submitted electronically.

(Pub. L. 93-247, title I, §110, formerly §13, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, §112, and amended Pub. L. 101-126, §3(a)(1), (2), (b)(6), Oct. 25, 1989, 103 Stat. 764, 765; renumbered §110 and amended Pub. L. 104-235, title I, §113(a)(1)(B), (3), Oct. 3, 1996, 110 Stat. 3079; Pub. L. 108-36, title I, §118, June 25, 2003, 117 Stat. 813; Pub. L. 111-320, title I, §118, Dec. 20, 2010, 124 Stat. 3475.)

Editorial Notes

PRIOR PROVISIONS

A prior section 110 of Pub. L. 93-247 was renumbered section 108 and is classified to section 5106d of this title.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-320, §118(a), added subsec. (a) and struck out former subsec. (a) which required the Secretary to submit to the appropriate committees of Congress a biennial report on efforts to coordinate the objectives and activities of agencies and organizations which are responsible for programs and activities related to child abuse and neglect.

Subsec. (b). Pub. L. 111-320, §118(a), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “Not later than two years after the first fiscal year for which funds are obligated under section 10603a of this title, the Secretary shall submit to the appropriate committees of Congress a report evaluating the effectiveness of assisted programs in achieving the objectives of section 5106c of this title.”

Subsec. (c). Pub. L. 111-320, §118(b), amended subsec. (c) generally. Prior to amendment, text read as follows:

“(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 5106a(c) of this title.

“(2) REPORT.—Not later than 3 years after June 25, 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).”

Subsec. (d). Pub. L. 111-320, §118(c), added subsec. (d).

2003—Subsec. (c). Pub. L. 108-36 added subsec. (c).

1996—Subsec. (b). Pub. L. 104-235 substituted “effectiveness of assisted programs in achieving the objectives of section 5106c of this title” for “effectiveness of—

“(1) assisted programs in achieving the objectives of section 5106c of this title; and

“(2) the technical assistance provided under section 5106b of this title”.

1989—Subsec. (b). Pub. L. 101-126, §3(b)(6), made technical amendments to references to sections 5106b and 5106c of this title to reflect renumbering of corresponding sections of original act.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

§ 5106f-1. Report concerning voluntary reporting system

Not later than April 30, 1993, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 679 of this title.

(Pub. L. 102-295, title I, §142, May 28, 1992, 106 Stat. 200.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, and not as part of title I of the Child Abuse Prevention and Treatment Act which comprises this subchapter.

§ 5106g. Definitions**(a) Definitions**

For purposes of this subchapter—

(1) the term “Alaska Native” has the meaning given the term “Native” in section 1602 of title 43;

(2) the term “infant or toddler with a disability” has the meaning given the term in section 1432 of title 20;

(3) the term “Native Hawaiian” has the meaning given the term in section 7517 of title 20;

(4) the term “sexual abuse” includes—

(A) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or

(B) the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children; and

(5) the term “withholding of medically indicated treatment” means the failure to respond to the infant’s life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician’s or physicians’ reasonable medical judgment, will be most likely to be effective in ameliorating or correcting

all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician’s or physicians’ reasonable medical judgment—

(A) the infant is chronically and irreversibly comatose;

(B) the provision of such treatment would—

(i) merely prolong dying;

(ii) not be effective in ameliorating or correcting all of the infant’s life-threatening conditions; or

(iii) otherwise be futile in terms of the survival of the infant; or

(C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

(b) Special rule**(1) In general**

For purposes of section 3(2)¹ and subsection (a)(4), a child shall be considered a victim of “child abuse and neglect” and of “sexual abuse” if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of human trafficking.

(2) State option

Notwithstanding the definition of “child” in section 3(1),¹ a State may elect to define that term for purposes of the application of paragraph (1) to section 3(2)¹ and subsection (a)(4) as a person who has not attained the age of 24.

(Pub. L. 93-247, title I, §111, formerly §14, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, §113, and amended Pub. L. 101-126, §3(a)(1), (2), (b)(7), Oct. 25, 1989, 103 Stat. 764, 765; renumbered §111 and amended Pub. L. 104-235, title I, §§110, 113(a)(1)(B), Oct. 3, 1996, 110 Stat. 3078, 3079; Pub. L. 111-320, title I, §§119, 142(b), Dec. 20, 2010, 124 Stat. 3477, 3483; Pub. L. 114-22, title VIII, §802(c)(1), (3), May 29, 2015, 129 Stat. 264; Pub. L. 114-95, title IX, §9215(o), Dec. 10, 2015, 129 Stat. 2170; Pub. L. 117-348, title I, §133, Jan. 5, 2023, 136 Stat. 6221.)

Editorial Notes

REFERENCES IN TEXT

Section 3, referred to in subsec. (b), means section 3 of Pub. L. 93-247, which is set out as a Definitions note under section 5101 of this title.

PRIOR PROVISIONS

A prior section 111 of Pub. L. 93-247 was renumbered section 109 and is classified to section 5106e of this title.

AMENDMENTS

2023—Subsec. (b)(1). Pub. L. 117-348 substituted “a victim of ‘child abuse and neglect’ and of ‘sexual abuse’ if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of human trafficking.” for “a victim of ‘child abuse and neglect’ and of ‘sexual abuse’ if the child is identified, by a State or local agency employee of the State

¹ See References in Text note below.