
VICTIMS OF CHILD ABUSE ACT REAUTHORIZATION ACT
OF 2018

DECEMBER 12, 2018.—Ordered to be printed

Mr. GRASSLEY, from the Committee on Judiciary,
submitted the following

R E P O R T

[To accompany S. 2961]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to which was referred the bill (S. 2961) to reauthorize subtitle A of the Victims of Child Abuse Act of 1990, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

CONTENTS

| | Page |
|---|------|
| I. Background and Purpose of the Victims of Child Abuse Act Reauthorization Act of 2018 | 1 |
| II. History of the Bill and Committee Consideration | 3 |
| III. Section-by-Section Summary of the Bill | 4 |
| IV. Congressional Budget Office Cost Estimate | 5 |
| V. Regulatory Impact Evaluation | 6 |
| VI. Conclusion | 6 |
| VII. Changes to Existing Law Made by the Bill, as Reported | 6 |

I. BACKGROUND AND PURPOSE OF THE VICTIMS OF CHILD ABUSE ACT
REAUTHORIZATION ACT OF 2018

A. BACKGROUND

“[T]he interest [of] safeguarding the physical and psychological well-being of a minor . . . is a compelling one.” *Packingham v. North Carolina*, 137 S. Ct. 1730, 1739 (2017) (quoting *Globe Newspaper Co. v. Superior Court, County of Norfolk*, 457 U.S. 596, 607 (1982) (alterations in original)). Prior to 1990, child victims of sexual abuse, physical abuse, or neglect were required to undergo a difficult disclosure and investigation process. The discovery of an

allegation of child abuse or neglect led to a series of interviews that might involve medical professionals, child protective service, law enforcement, and criminal justice personnel. Each such interview required a victim to relive the pain and trauma of the abuse again.

In 1990, Congress passed the Victims of Child Abuse Act of 1990. This legislation authorized medical, health, and legal professionals to work as a team to respond to the significant medical, emotional, and legal needs of child abuse victims. It prompted the development of Children's Advocacy Centers, or CACs—a multidisciplinary model composed of law enforcement, prosecutors, medical and mental health professionals, and counselors. When the authorities uncover an allegation of sexual abuse, neglect, drug endangerment, or violence involving a child, they jointly interview the victim, to assess the extent of physical and emotional harm to the child and evaluate evidence for possible criminal prosecution.

The Children's Advocacy Center model provides a safe, comfortable environment within which to conduct a forensic interview. This interview is conducted by a trained professional and recorded, allowing law enforcement, prosecutors, and mental/medical professionals to evaluate the victim (in person or later on video) for various contingencies (*e.g.*, counseling, participation in criminal prosecution) without repetitive interviews. This one-time interview process results in less stress for the child victim, a higher cooperation rate for criminal prosecutions, and a greater likelihood that a victim will receive medical care and mental health referrals. The use of the CAC model also results in a greater conviction rate for cases that are prosecuted in a criminal court.

In 2017, CACs throughout the United States served approximately 334,626 children, involving approximately 263,985 alleged offenders. This number is a significant increase from 2000, when the number of children served was approximately 100,539. Forty percent of the children served by CACs are younger than six-years old.

B. PURPOSE

This bill will reauthorize the Victims of Child Abuse Act of 1990 for five years, at \$25 million per year. Congress unanimously reauthorized this program in 2014. The current funding level for the Victims of Child Abuse Act is \$21 million. This is the only Federal program solely dedicated to Children's Advocacy Centers.

This legislation will also update language of the statute to reflect the latest research and trends, and better reflect the relationship between and among CACs. Specifically, language is included to allow State chapters of CACs to assist local communities in coordinating efforts, including oversight and technical assistance. This legislation will ensure that grants to local CACs allow for a portion of the grants to be distributed to State chapters, to allow them to provide technical assistance, training, coordination, and oversight. Oversight and assistance of CACs by State chapters is complemented by authorizing the Department of Justice's Director of the Office of Victims of Crime to collaborate with State chapters, to provide oversight and technical assistance to local CACs as well as communities that want to develop a local CAC.

This bill will also provide protections for people who in good faith report suspected child abuse, including professionals who are called

upon to consult in a child abuse case, or provide a medical diagnosis. Under current law, individuals who report suspected child abuse in good faith are protected from lawsuits. However, it is unclear whether such protection also extends to secondary reporters, such as professionals who consult on a child abuse case. For example, a pediatrician may be asked for their opinion by a colleague regarding a child's injury resulting from possible neglect or abuse. Providing this opinion is not currently protected in the same way as primary reporters of child abuse, and some pediatricians are now being sued in civil court for assisting in abuse cases. The lack of protection may deter pediatricians from assisting with child abuse cases.

S. 2961 provides a national immunity provision to extend both civil and criminal protection for reporters of child abuse. It also clarifies that liability protections for reporters of child abuse extend to secondary reporters (those consulted on cases but not directly making the report of child abuse), under the Child Abuse Prevention and Treatment Act (CAPTA), or the Federal statute with which States must comply to receive child abuse prevention funding. Under current law, this protection already exists when reports and assistance with abuse cases happen on Federal land or Federal facilities.

A 2013 report by the Department of Health and Human Services, entitled *Report to Congress on the Immunity from Prosecution for Professional Consultation in Suspected and Known Instances of Child Abuse and Neglect*, made the following points:

(1) 19% of the medical professionals surveyed for the report indicated concern about being the subject of a lawsuit as the reason they had declined to assist in a child abuse investigation in the previous year.

(2) There is a critical need for legal protection to allow professionals to work on child maltreatment cases without fear of being sued for providing assistance to vulnerable children.

(3) Current law focuses on providing liability protection for the individual "making" the report, rather than including others who are also involved in the report.

(4) Physicians, teachers, police, and others often go beyond merely filing a report of suspected abuse or neglect. Their follow-up with child protective services (CPS) and other agencies involved in a child abuse or neglect case is vital and unfortunately does place such professionals at potential risk of civil liability that, regardless of outcome, can impose significant costs on such individuals.

II. HISTORY OF THE BILL AND COMMITTEE CONSIDERATION

A. INTRODUCTION OF THE BILL

On May 24, 2018, Senator Roy Blunt introduced the Victims of Child Abuse Act Reauthorization Act of 2018 (S. 2961). Senators Coons, Young, Klobuchar, Capito, Hirono, Burr, Casey, Rounds, Fischer and Durbin were original cosponsors. Senators Wicker, Hyde-Smith, Cornyn, Jones, Grassley, Tillis, Heller, Hassan, Blumenthal, Peters, and Schatz later joined as cosponsors of the legislation. The bill was referred to the Committee on the Judiciary.

B. COMMITTEE CONSIDERATION

On August 27, 2018, the Committee held a briefing for committee staff about this legislation. Denise Edwards from the National Children’s Alliance, and Randy Williams from the Children’s Advocacy Center of Delaware presented information and fielded questions on the proposed legislation.

On September 18, 2018, the Committee voted to report the Victims of Child Abuse Reauthorization Act Reauthorization Act of 2018, S. 2961, with an amendment in the nature of a substitute, favorably to the Senate by voice vote.

III. SECTION-BY-SECTION SUMMARY OF THE BILL

Section 1. Short title

Provides that the legislation may be cited as the “Victims of Child Abuse Act Reauthorization Act of 2018”

Section 2. Reauthorization

Updates findings in 34 U.S.C. §20301 to reflect the latest criminal justice trends and research, by adding references to the need for State chapters of children’s advocacy centers to assist local communities in coordinating responses, and providing oversight, training, and technical assistance in delivery of evidence-informed programming.

Recognizes the need to train law enforcement officers, child protective service workers, forensic interviewers, prosecutors, and victim advocates in the multidisciplinary Child Advocacy Center evidence-based methodology.

Clarifies the nature of children’s advocacy programs, to allow collaboration with State chapters to provide training, technical assistance, coordination, and oversight to local Child Advocacy Centers, and communities looking to develop a Child Advocacy Center program. Also provides clarification that regional children’s advocacy centers are to promote effective delivery of the evidence-informed Children’s Advocacy Model and services.

Revises selection process to ensure applicants are selected from a broader geographic area.

Requires the Attorney General to annually report to the Senate and House Judiciary Committees, summarizing the efforts to monitor and evaluate the activities of the regional children’s advocacy centers; and how those monies are allocated, including whether both rural and urban populations are being adequately served by the regional children’s advocacy centers.

Section 3. Immunity protections for reporters of child abuse

Provides immunity from civil or criminal liability under Federal, State and local laws for individuals making good faith reports of suspected or known instances of child abuse or neglect, or who provide information or assistance (including medical evaluations or consultations) in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect.

Provides a good faith defense in any Federal civil or criminal litigation for a report of child abuse or suspected child abuse. Also

provides a presumption that a reporter is acting in good faith when making a report of abuse or suspected child abuse.

Allows a prevailing party defendant in a Federal civil action to receive an award of costs and reasonable attorney's fees.

IV. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The Committee sets forth, with respect to the bill, S.2961, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 27, 2018.

Hon. CHUCK GRASSLEY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2961, the Victims of Child Abuse Act Reauthorization Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL,
Director.

Enclosure.

S. 2961—Victims of Child Abuse Act Reauthorization Act of 2018

S. 2961 would authorize the appropriation of \$25 million annually over the 2019–2023 period mostly for Department of Justice programs to prevent child abuse and assist victims of such crimes. CBO assumes that the bill will be enacted near the beginning of fiscal year 2019 and that the specified amounts will be appropriated each year. Based on historical spending patterns, CBO estimates that implementing S. 2961 would cost \$75 million over the 2019–2023 period, as shown in the following table.

| | By fiscal year, in millions of dollars— | | | | | |
|--|---|------|------|------|------|---------------|
| | 2019 | 2020 | 2021 | 2022 | 2023 | 2019– 2023 |
| INCREASES IN SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Authorization Level | 25 | 25 | 25 | 25 | 25 | 125 |
| Estimated Outlays | 3 | 10 | 16 | 21 | 25 | 75 |

The Congress appropriated \$21 million for fiscal year 2018 for the programs authorized by the bill. The costs of the legislation fall within budget function 750 (administration of justice).

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 2961 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 2961 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

S. 2961 would provide liability protections for individuals who make good faith reports of child abuse or neglect. The bill would thus impose a private-sector mandate as defined in UMRA by preventing other entities from bringing liability claims under federal law against those individuals. CBO has no basis to estimate the number of possible lawsuits or related awards that would be precluded by the bill and cannot predict the amount of potential foregone damages. Therefore, CBO cannot determine whether the cost of the mandate would exceed the annual threshold established in UMRA for private-sector mandates (\$160 million in 2018, adjusted annually for inflation).

The CBO staff contacts are Mark Grabowicz (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

V. REGULATORY IMPACT EVALUATION

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. 2961.

VI. CONCLUSION

The Victims of Child Abuse Act Reauthorization Act of 2018, S. 2961, provides critical funding authorization and programs for Child Advocacy Centers. Passage of this legislation will ensure that the work of helping children victimized by sexual abuse and neglect, through the use of evidence-based procedures, is not interrupted.

VII. CHANGES TO EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2961, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 34—CRIME CONTROL AND LAW ENFORCEMENT

* * * * *

CHAPTER 203—VICTIMS OF CHILD ABUSE

* * * * *

Subchapter 1—Improving Investigation and Prosecution of Child Abuse Cases

* * * * *

§ 20301. Findings

The Congress finds that—

(1) over **[2,000,000]** 3,300,000 reports of suspected child abuse and neglect are made each year, and drug abuse is associated with a significant portion of these;

(2) the investigation and prosecution of child abuse cases is extremely complex, involving numerous agencies and dozens of personnel;

(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;

(4) in such cases, too often the system does not pay sufficient attention to the needs and welfare of the child victim, aggravating the trauma that the child victim has already experienced;

(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;

(6) multidisciplinary child abuse investigation and prosecution programs have been developed that increase the reporting of child abuse cases, reduce the trauma to the child victim, *improve positive outcomes for the child*, and increase the successful prosecution of child abuse offenders【; and】;

(7) such programs have proven effective, and with targeted Federal assistance, 【could be duplicated in many jurisdictions throughout the country.】*have expanded dramatically throughout the United States; and*

(8) *State chapters of children’s advocacy center networks are needed to—*

(A) assist local communities in coordinating their multidisciplinary child abuse investigation, prosecution, and intervention services; and

(B) provide oversight of, and training and technical assistance in, the effective delivery of evidence-informed programming.

§ 20302. Definitions

For purposes of this subtitle—

(1) the term “Administrator” means the agency head designated under section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 【(42 U.S.C. 5611(b))】(34 U.S.C. 11111(b));

(2) the term “applicant” means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

【(3) the term “board” means the Children’s Advocacy Advisory Board established under section 213(e);】

(3)【(4)】 the term “census region” means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of the date of enactment of this section 【enacted Nov. 4, 1992】;

(4)【(5)】 the term “child abuse” means physical or sexual abuse or neglect of a child, including human trafficking and the production of child pornography;

【(6) the term “Director” means the Director of the National Center on Child Abuse and Neglect;】

(5)【(7)】 the term “multidisciplinary response to child abuse” means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecu-

tion, and investigation systems that best meets the needs of child victims and their nonoffending family members;

(6)~~[(8)]~~ the term “nonoffending family member” means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse; ~~and]~~

(7)~~[(9)]~~ the term “regional children’s advocacy program” means the children’s advocacy program established under section 213(a)~~].~~; *and*

(8) *the term ‘State chapter’ means a membership organization that provides technical assistance, training, coordination, grant administration, oversight, and support to 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.*

§ 20303. Regional Children’s Advocacy Centers

(a) ESTABLISHMENT OF REGIONAL CHILDREN’S ADVOCACY PROGRAM.—The Administrator, in coordination ~~with the Director and]~~ with the Director of the Office of Victims of Crime, shall establish a children’s advocacy program to—

(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

~~[(2) provide support for nonoffending family members;]~~

(2)~~[(3)]~~ enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; ~~and]~~

(3)~~[(4)]~~ train physicians and other health care and mental health care professionals, *law enforcement officers, child protective service workers, forensic interviewers, prosecutors, and victim advocates*, in the multidisciplinary approach to child abuse so that trained ~~medical]~~ personnel will be available to provide ~~medical]~~ support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases~~].~~ *and*

(4) *collaborate with State chapters to provide training, technical assistance, coordination, and oversight to—*

(A) local children’s advocacy centers; and

(B) communities that want to develop local children’s advocacy centers.’

(b) ACTIVITIES OF THE REGIONAL CHILDREN’S ADVOCACY PROGRAM.—

(1) ADMINISTRATOR.—The Administrator, ~~in coordination with the Director,]~~ shall—

(A) establish regional children’s advocacy program centers; *and*

(B) fund existing regional centers with expertise in ~~the prevention, judicial handling, and treatment of child abuse and neglect; and]~~ *multidisciplinary team investigation,*

trauma-informed interventions, and evidence-informed treatment,

[(C) fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities, for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.]

(2) GRANT RECIPIENTS.—A grant recipient under this section shall—

(A) assist [communities] *communities, local children's advocacy centers, multidisciplinary teams, and State chapters*—

(i) in developing *and expanding* a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

(ii) *in promoting the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in—*

(I) *organizational support and development;*

(II) *programmatic evaluation; and*

(III) *financial oversight of Federal funding;*

(iii) [(ii)] in establishing [a freestanding facility where interviews of and services for abused children can be provided] *child-friendly facilities for the investigation of, assessment of, and intervention in abuse;*

(iv) [(iii)] in preventing or reducing trauma to children caused by [multiple] *duplicative* contacts with community professionals;

(v) [(iv)] in providing families with needed services and assisting them in regaining maximum functioning;

(vi) [(v)] in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

(vii) [(vi)] in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

(viii) [(vii)] in obtaining information useful for criminal and civil proceedings;

(ix) [(viii)] in holding offenders accountable through improved prosecution of child abuse cases;

(x) [(ix)] in enhancing professional skills necessary to effectively respond to cases of child abuse through training; and

(xi) [(x)] in enhancing community understanding of child abuse; and

(B) provide training and technical assistance to local children's advocacy centers *and interested communities* in its census region that are grant recipients under section 214.

(c) OPERATION OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

(1) SOLICITATION OF PROPOSALS.—Not later than 1 year after the date of enactment of this section [enacted Nov. 4, 1992], the Administrator shall solicit proposals for assistance under this section.

(2) MINIMUM QUALIFICATIONS.—In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

(A) A proven record in conducting activities of the kinds described in subsection (c).

(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of evaluation, intervention, evidence gathering, and counseling.

(C) Multidisciplinary staff experienced in providing [remedial counseling to] *evidence-informed services* for children and families.

(D) Experience in serving as a center for training and education and as a resource facility.

(E) National expertise in providing technical assistance to communities with respect to the judicial handling of child abuse and neglect.

(3) PROPOSAL REQUIREMENTS.—

(A) IN GENERAL.—A proposal submitted in response to the solicitation under paragraph (1) shall—

(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities so that communities can establish multidisciplinary programs that respond to child abuse;

(ii) demonstrate the ability of the applicant to operate successfully a [multidisciplinary child abuse program] *children's advocacy center* or provide training to allow others to do so; and

(iii) state the annual cost of the proposal and a *breakdown of those costs*.

(B) CONTENT OF MANAGEMENT PLAN.—A management plan described in paragraph (3)(A) shall—

(i) outline the basic activities expected to be performed;

(ii) describe the entities that will conduct the basic activities;

(iii) establish the period of time over which the basic activities will take place; and

(iv) define the overall program management and direction by—

(I) identifying managerial, organizational, and administrative procedures and responsibilities;

(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

(III) providing sufficient rationale to support the costs of the plan.

(4) SELECTION OF PROPOSALS.—

(A) COMPETITIVE BASIS.—Proposals shall be selected under this section on a competitive basis.

(B) CRITERIA.—The Administrator[, in coordination with the Director,] shall select proposals for funding that—

(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon to respond to child abuse cases;

(ii) assist in resolving problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse;

[(iii) carry out the objectives developed by the board under subsection (e)(2)(A);]

[(iii) [(iv)] to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country; and

(iv) [(v)] otherwise best carry out the purposes of this section.

(5) FUNDING OF PROGRAM.—From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

(6) COORDINATION OF EFFORT.—In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipients on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

(d) REVIEW.—

(1) EVALUATION OF REGIONAL CHILDREN'S ADVOCACY PROGRAM ACTIVITIES.—The Administrator[, in coordination with the Director,] shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

(2) ANNUAL REPORT.—A grant recipient shall provide an annual report to the Administrator [and the Director] that—

(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

(3) [DISCONTINUATION OF FUNDING.—

[(A) FAILURE TO IMPLEMENT PROGRAM ACTIVITIES.—If a grant recipient under this section substantially fails in the implementation of the program activities, the Administrator shall not discontinue funding until reasonable notice and an opportunity for reconsideration is given.

[(B) SOLICITATION OF NEW PROPOSALS.—Upon discontinuation] *DISCONTINUATION OF FUNDING.*—*Upon discontinuation* of funding of a grant recipient under this sec-

tion, the Administrator shall solicit new proposals in accordance with subsection (c).

[(e) CHILDREN'S ADVOCACY ADVISORY BOARD.—

(1) ESTABLISHMENT OF BOARD.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section **[enacted Nov. 4, 1992]**, the Administrator and the Director, after consulting with representatives of community agencies that respond to child abuse cases, shall establish a children's advocacy advisory board to provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program.

(B) MEMBERSHIP.—

(i) The board—

(I) shall be composed of 12 members who are selected by the Administrator, in coordination with the Director, a majority of whom shall be individuals experienced in the child abuse investigation, prosecution, prevention, and intervention systems;

(II) shall include at least 1 member from each of the 4 census regions; and

(III) shall have members appointed for a term not to exceed 3 years.

(ii) Members of the board may be reappointed for successive terms.

(2) REVIEW AND RECOMMENDATIONS.—

(A) OBJECTIVES.—Not later than 180 days after the date of enactment of this section **[enacted Nov. 4, 1992]** and annually thereafter, the board shall develop and submit to the Administrator and the Director objectives for the implementation of the children's advocacy program activities described in subsection (b).

(B) REVIEW.—The board shall annually—

(i) review the solicitation and selection of children's advocacy program proposals and make recommendations concerning how each such activity can be altered so as to better achieve the purposes of this section; and

(ii) review the program activities and management plan of each grant recipient and report its findings and recommendations to the Administrator and the Director.

(3) RULES AND REGULATIONS.—The board shall promulgate such rules and regulations as it deems necessary to carry out its duties under this section. **]**

[(f) REPORTING.—The Attorney General and the Secretary of Health and Human Services shall submit to Congress, by March 1 of each year, a detailed review of the progress of the regional children's advocacy program activities. **]**

§ 20304. Local children's advocacy centers

[(a) IN GENERAL.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall make grants to develop and implement multidisciplinary child abuse investigation and prosecution programs. **]**

(a) *IN GENERAL.*—The Administrator, in coordination with the Director of the Office of Victims of Crime, shall make grants to—

(1) develop and enhance multidisciplinary child abuse investigations, intervention, and prosecution; and

(2) promote the effective delivery of the evidence-informed Children’s Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.

(b) *DIRECT SERVICES FOR VICTIMS OF HUMAN TRAFFICKING AND CHILD PORNOGRAPHY.*—The Administrator, in coordination [with the Director] and with the Director of the Office of Victims of Crime, may make grants to develop and implement specialized programs to identify and provide direct services to victims of *human trafficking* and child pornography.

(c) *GRANT CRITERIA.*—

(1) The [Director] Administrator shall establish the criteria to be used in evaluating applications for grants under [this section] subsections (a) and (b) consistent with sections 299B and 299E of the Juvenile Justice and Delinquency Prevention Act of 1974 [(42 U.S.C. 5665 et seq.)](34 U.S.C. 11183, 11186).

(2) In general, the grant criteria established pursuant to paragraph (1) may require that a program include any of the following elements:

(A) A written agreement between local law enforcement, [social service] child protective service, health, and other related agencies to coordinate child abuse investigation, prosecution, treatment, and counseling services.

(B) An appropriate site for referring, interviewing, treating, and counseling child victims of sexual and serious physical abuse and neglect and nonoffending family members (referred to as [the “counseling center”] a “children’s advocacy center”).

(C) Referral of all [sexual and serious physical abuse and neglect cases to the counseling center] child abuse cases that met designated referral criteria to the children’s advocacy center not later than 24 hours after notification of an incident of abuse.

(D) Joint initial [investigative] forensic interviews of child victims by personnel from law enforcement, health, and [social service] child protective service agencies.

[(E) A requirement that, to the extent practicable, the same agency representative who conducts an initial interview conduct all subsequent interviews.]

(E) [(F)] A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the [counseling center] 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.

(F) [(G)] Coordination of each step of the investigation process to [minimize the number of interviews that a child victim must attend] eliminate duplicative forensic interviews with a child victim.

(G) [(H)] Designation of a director for the [multidisciplinary program] children’s advocacy center.

(H)~~[(I)]~~ 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.

(D)~~[(J)]~~ Such other criteria as the Director shall establish by regulation.

(d) DISTRIBUTION OF GRANTS.—In awarding grants under this section, ~~[(the Director)]~~*the Administrator* shall ensure that grants are distributed to ~~[(both large and small States)]~~*all States that are eligible for such grants, including large and small States*, and to rural, suburban, and urban jurisdictions.

(e) CONSULTATION WITH REGIONAL CHILDREN'S ADVOCACY CENTERS.—A grant recipient under this section shall consult from time to time with regional children's advocacy centers in its census region that are grant recipients under section 213.

(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 technical assistance, training, coordination, and oversight to other recipients of grants under this section in providing evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.*

20305. Grants for Specialized Technical Assistance and Training Programs

(a) IN GENERAL.—The Administrator shall make grants to national organizations to provide technical assistance and training ~~[(to attorneys and others instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases.)]~~*to—*

(1) *attorneys and other allied professionals instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases; and*

(2) *child abuse professionals instrumental to the protection of children, intervention in child abuse cases, and treatment of victims of child abuse, for the purpose of—*

(A) *improving the quality of such protection, intervention, and treatment; and*

(B) *promoting the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.*

~~[(b) GRANTEE ORGANIZATIONS.—An organization to which a grant is made pursuant to subsection (a) shall be one that has, or is affiliated with one that has, broad membership among attorneys who prosecute criminal cases in State courts and has demonstrated experience in providing training and technical assistance for prosecutors.]~~

(b) *GRANTEE ORGANIZATIONS.*—

(1) *PROSECUTORS.*—An organization to which a grant is made for specific training and technical assistance for prosecutors under subsection (a)(1) shall be one that has—

(A) a broad representation of attorneys who prosecute criminal cases in State courts; and

(B) demonstrated experience in providing training and technical assistance for prosecutors.

(2) *CHILD ABUSE PROFESSIONALS.*—An organization to which a grant is made for specific training and technical assistance for child abuse professionals under subsection (a)(2) shall be one that has—

(A) a diverse portfolio of training and technical resources for the diverse professionals responding to child abuse, including a digital library to promote evidence-informed practice; and

(B) demonstrated experience in providing training and technical assistance for child abuse professionals, especially law enforcement officers, child protective service workers, prosecutors, forensic interviewers, medical professionals, victim advocates, and mental health professionals.

(c) *GRANT CRITERIA.*—

(1) The Administrator shall establish the criteria to be used for evaluating applications for grants under this section, consistent with sections 299B and 299E of the Juvenile Justice and Delinquency Act of 1974 [(42 U.S.C. 5665 et seq.)]34 U.S.C. 11183, 11186).

(2) The grant criteria established pursuant to paragraph (1) shall require, in the case of a grant made under subsection (a)(1), that a program provide training and technical assistance that includes information regarding improved child interview techniques, thorough investigative methods, interagency coordination and effective presentation of evidence in court, including the use of alternative courtroom procedures described in this title.

§ 20306. Authorizations of appropriations

(a) Sections 213 and 214.—There are authorized to be appropriated to carry out [sections 213 and 214, \$15,000,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018.]sections 213 and 214, \$19,000,000 of reach of fiscal years 2019 through 2023.

(b) Section 214A. There are authorized to be appropriated to carry out section 214A \$5,000,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018.

§ 20307. Accountability

[All grants awarded] (a) *IN GENERAL.*—All grants awarded by the Administrator under this subtitle shall be subject to the following accountability provisions:

(1) *AUDIT REQUIREMENT.*—

(A) *DEFINITION.*—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the

date when the final audit report is issued and any appeal has been completed.

(B) AUDIT.—The Inspector General of the Department of Justice shall conduct audits of recipients of grants under this subtitle to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of grant funds under this subtitle that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subtitle during the following 2 fiscal years.

(D) PRIORITY.—In awarding grants under this subtitle, the Administrator shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this subtitle.

(E) REIMBURSEMENT.—If an entity is awarded grant funds under this subtitle during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Administrator shall—

(i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this subtitle to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this subtitle and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Administrator shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this subtitle may be used by the Administrator, or by any individual or

organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, including the Administrator, provides prior written authorization through an award process or subsequent application that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

(b) REPORTING.—*Not later than March 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—*

(1) *summarizes the efforts of the Administrator to monitor and evaluate the regional children’s advocacy program activities under section 213(d);*

(2) *describes—*

(A) *the method by which amounts are allocated to grantees and subgrantees under this subtitle, including to local children’s advocacy centers, State chapters, and regional children’s advocacy program centers; and*

(B) *steps the Attorney General has taken to minimize duplication and overlap in the awarding of amounts under this subtitle; and*

(3) *analyzes the extent to which both rural and urban populations are served under the regional children’s advocacy program.*

§ 20323. Strengthening of the court-appointed special advocate program

a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants to initiate, sustain, and expand the court-appointed special advocate program.

(b) GRANTEE ORGANIZATIONS.—

(1) An organization to which a grant is made pursuant to subsection (a)—

(A) shall be a national organization that has broad membership among court-appointed special advocates and has demonstrated experience in grant administration of court-appointed special advocate programs and in providing training and technical assistance to court-appointed special advocate program; or

- (B) may be a local public or not-for-profit agency that has demonstrated the willingness to initiate, sustain, and expand a court-appointed special advocate program.
- (2) An organization described in paragraph (1)(A) that receives a grant may be authorized to make subgrants and enter into contracts with public and not-for-profit agencies to initiate, sustain, and expand the court-appointed special advocate program. Should a grant be made to a national organization for this purpose, the Administrator shall specify an amount not exceeding 5 percent that can be used for administrative purposes by the national organization.
- (c) GRANT CRITERIA.—
- (1) The Administrator shall establish criteria to be used in evaluating applications for grants under this section, consistent with sections 299B and 299E of the Juvenile Justice and Delinquency Prevention Act of 1974 [(42 U.S.C. 5665 et seq.)] (34 U.S.C. 11183, 11186)].

§ 20333. Specialized Technical Assistance and Training Programs

- (a) GRANTS TO DEVELOP MODEL PROGRAMS.—
- (1) The Administrator shall make grants to national organizations to develop 1 or more model technical assistance and training programs to improve the judicial system's handling of child abuse and neglect cases.
- (2) An organization to which a grant is made pursuant to paragraph (1) shall be one that has broad membership among juvenile and family court judges and has demonstrated experience in providing training and technical assistance for judges, attorneys, child welfare personnel, and lay child advocates.
- (b) GRANTS TO JUVENILE AND FAMILY COURTS.—
- (1) In order to improve the judicial system's handling of child abuse and neglect cases, the Administrator shall make grants to State courts or judicial administrators for programs that provide or contract for, the implementation of—
- (A) training and technical assistance to judicial personnel and attorneys in juvenile and family courts; and
- (B) administrative reform in juvenile and family courts.
- (2) The criteria established for the making of grants pursuant to paragraph (1) shall give priority to programs that improve—
- (A) procedures for determining whether child service agencies have made reasonable efforts to prevent placement of children in foster care;
- (B) procedures for determining whether child service agencies have, after placement of children in foster care, made reasonable efforts to reunite the family; and
- (C) procedures for coordinating information and services among health professionals, social workers, law enforcement professionals, prosecutors, defense attorneys, and juvenile and family court personnel, consistent with subtitle A.
- (c) GRANT CRITERIA.—The Administrator shall make grants under subsections (a) and (b) consistent with sections 262, 299B,

and 299E of the Juvenile Justice and Delinquency Prevention Act of 1974 [(42 U.S.C. 5665 et seq.)](34 U.S.C. 11183, 11186)].

TITLE 42—THE PUBLIC HEALTH AND WELFARE

* * * * *

CHAPTER 67—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM

* * * * *

Subchapter 1—General Program

* * * * *

§ 5106a. Grants to States for Child Abuse or neglect Prevention and Treatment Programs

(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary shall make grants to the States, from allotments made under subsection (f) for each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective services system of each such State in—

- (1) the intake, assessment, screening, and investigation of reports of child abuse or neglect;
- (2) (A) creating and improving the use of multidisciplinary teams and interagency, intra-agency, interstate, and intrastate protocols to enhance investigations; and
(B) improving legal preparation and representation, including—
 - (i) procedures for appealing and responding to appeals of substantiated reports of child abuse or neglect; and
 - (ii) provisions for the appointment of an individual appointed to represent a child in judicial proceedings;
- (3) case management, including ongoing case monitoring, and delivery of services and treatment provided to children and their families;
- (4) enhancing the general child protective system by developing, improving, and implementing risk and safety assessment tools and protocols, including the use of differential response;
- (5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;
- (6) developing, strengthening, and facilitating training including—
 - (A) training regarding research-based strategies, including the use of differential response, to promote collaboration with the families;
 - (B) training regarding the legal duties of such individuals;
 - (C) personal safety training for case workers; and
 - (D) training in early childhood, child, and adolescent development;

(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;

(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;

(9) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

(A) existing social and health services;

(B) financial assistance;

(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; and

(D) the use of differential response in preventing child abuse and neglect;

(10) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect, including the use of differential response;

(11) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level;

(12) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

(13) supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—

(A) to provide child abuse and neglect prevention and treatment services (including linkages with education systems), and the use of differential response; and

(B) to address the health needs, including mental health needs, of children identified as victims of child abuse or neglect[;], including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports; or

(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—

(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.

(b) ELIGIBILITY REQUIREMENTS.—

(1) STATE PLAN.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

(B) DURATION OF PLAN.—Each State plan shall—

(i) remain in effect for the duration of the State's participation under this section; and

(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State's strategies and programs under this section.

(C) ADDITIONAL INFORMATION.—The State shall provide notice to the Secretary—

(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

(ii) of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities described in the current State application.

(2) CONTENTS.—A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including—

(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;

(B) an assurance in the form of a certification by the Governor of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a statewide program, relating to child abuse and neglect that includes—

(i) provisions or procedures for an individual to report known and suspected instances of child abuse and neglect, including a State law for mandatory reporting by individuals required to report such instances;

(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to—

(I) establish a definition under Federal law of what constitutes child abuse or neglect; or

(II) require prosecution for any illegal action;

(iii) the development of a plan of safe care for the infant born and identified as being affected by substance abuse or withdrawal symptoms, or a Fetal Alcohol Spectrum Disorder to ensure the safety and well-being of such infant following release from the care of health care providers, including through—

(I) addressing the health and substance use disorder treatment needs of the infant and affected family or caregiver; and

(II) the development and implementation by the State of monitoring systems regarding the implementation of such plans to determine whether and in what manner local entities are providing, in accordance with State requirements, referrals to and delivery of appropriate services for the infant and affected family or caregiver;

(iv) procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports;

(v) triage procedures, including the use of differential response, for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;

(vi) procedures for immediate steps to be taken to ensure and protect the safety of a victim of child abuse or neglect and of any other child under the same care who may also be in danger of child abuse or neglect and ensuring their placement in a safe environment;

[(vii) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;] *(vii) provisions for immunity from civil or criminal liability under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect, or who otherwise provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect;*

(viii) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

(I) individuals who are the subject of the report;

(II) Federal, State, or local government entities, or any agent of such entities, as described in clause (ix);

(III) child abuse citizen review panels;

(IV) child fatality review panels;

(V) a grand jury or court, upon a finding that information in the record is necessary for the de-

termination of an issue before the court or grand jury; and

(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

(ix) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect;

(x) provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;

(xi) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse and neglect;

(xii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their case-work files to assist in future risk and safety assessment;

(xiii) provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings—

(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and

(II) to make recommendations to the court concerning the best interests of the child;

(xiv) the establishment of citizen review panels in accordance with subsection (c);

(xv) provisions, procedures, and mechanisms—

(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

(II) by which individuals who disagree with an official finding of child abuse or neglect can appeal such finding;

(xvi) provisions, procedures, and mechanisms that assure that the State does not require reunification of

a surviving child with a parent who has been found by a court of competent jurisdiction—

(I) to have committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

(II) to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter;

(IV) to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent;

(V) to have committed sexual abuse against the surviving child or another child of such parent; or

(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));

(xvii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xvi), conviction of any one of the felonies listed in clause (xvi) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (although case-by-case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);

(xviii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse or neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

(xix) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

(xx) provisions and procedures for improving the training, retention, and supervision of caseworkers;

(xxi) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention

services funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

(xxii) provisions and procedures for requiring criminal background record checks that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;

(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;

(xxiv) provisions and procedures requiring identification and assessment of all reports involving children known or suspected to be victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102 (10)); and

(xxv) provisions and procedures for training child protective services workers about identifying, assessing, and providing comprehensive services for children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population;

(C) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;

(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions); and

(iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions;

(D) a description of—

(i) the services to be provided under the grant to individuals, families, or communities, either directly or through referrals aimed at preventing the occurrence of child abuse and neglect;

(ii) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and

referral for investigating suspected instances of child abuse and neglect;

(iii) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect;

(iv) policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;

(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

(vi) policies and procedures regarding the use of differential response, as applicable;

(E) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) comply with the requirements set forth in paragraph (1) and this paragraph;

(F) an assurance or certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.

Nothing in subparagraph (B) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and families.

(3) LIMITATION.—With regard to clauses (vi) and (vii) of paragraph (2)(B), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

(4) DEFINITIONS.—For purposes of this subsection—

(A) the term “near fatality” means an act that, as certified by a physician, places the child in serious or critical condition; and

(B) the term “serious bodily injury” means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(c) CITIZEN REVIEW PANELS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Except as provided in subparagraph

(B), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.

(B) EXCEPTIONS.—

(i) ESTABLISHMENT OF PANELS BY STATES RECEIVING MINIMUM ALLOTMENT.—A State that receives the minimum allotment of \$175,000 under section 203(b)(1)(A) for a fiscal year shall establish not less than 1 citizen review panel.

(ii) DESIGNATION OF EXISTING ENTITIES.—A State may designate as panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

(2) MEMBERSHIP.—Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect, and may include adult former victims of child abuse or neglect.

(3) MEETINGS.—Each panel established pursuant to paragraph (1) shall meet not less than once every 3 months.

(4) FUNCTIONS.—

(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the policies, procedures, and practices of State and local agencies and where appropriate, specific cases, evaluate the extent to which State and local child protection system agencies are effectively discharging their child protection responsibilities in accordance with—

(i) the State plan under subsection (b);

(ii) the child protection standards set forth in subsection (b); and

(iii) any other criteria that the panel considers important to ensure the protection of children, including—

(I) a review of the extent to which the State and local child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.); and

(II) a review of child fatalities and near fatalities (as defined in subsection (b)(4)).

(B) CONFIDENTIALITY.—

(i) IN GENERAL.—The members and staff of a panel established under paragraph (1)—

(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

(II) shall not make public other information unless authorized by State statute.

(ii) CIVIL SANCTIONS.—Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A).

(5) STATE ASSISTANCE.—Each State that establishes a panel pursuant to paragraph (1)—

(A) shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (4); and

(B) shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

(6) Reports.—Each panel established under paragraph (1) shall prepare and make available to the State and the public, on an annual basis, a report containing a summary of the activities of the panel and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to State and local child protection systems and the citizen review panel that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system.

(d) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

(1) The number of children who were reported to the State during the year as victims of child abuse or neglect.

(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

(A) substantiated;

(B) unsubstantiated; or

(C) determined to be false.

(3) Of the number of children described in paragraph (2)—

(A) the number that did not receive services during the year under the State program funded under this section or an equivalent State program;

- (B) the number that received services during the year under the State program funded under this section or an equivalent State program; and
- (C) the number that were removed from their families during the year by disposition of the case.
- (4) The number of families that received preventive services, including use of differential response, from the State during the year.
- (5) The number of deaths in the State during the year resulting from child abuse or neglect.
- (6) Of the number of children described in paragraph (5), the number of such children who were in foster care.
- (7) (A) The number of child protective service personnel responsible for the—
- (i) intake of reports filed in the previous year;
 - (ii) screening of such reports;
 - (iii) assessment of such reports; and
 - (iv) investigation of such reports.
- (B) The average caseload for the workers described in subparagraph (A).
- (8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.
- (9) The response time with respect to the provision of services to families and children where an allegation of child abuse or neglect has been made.
- (10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—
- (A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;
 - (B) data on the education, qualifications, and training of such personnel;
 - (C) demographic information of the child protective service personnel; and
 - (D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.
- (11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse or neglect, including the death of the child.
- (12) The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.
- (13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.

(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

(17) The number of children determined to be victims described in subsection (b)(2)(B)(xxiv).

【18】(17) The number of infants—

(A) identified under subsection (b)(2)(B)(ii);

(B) for whom a plan of safe care was developed under subsection (b)(2)(B)(iii); and

(C) for whom a referral was made for appropriate services, including services for the affected family or caregiver, under subsection (b)(2)(B)(iii).

(e) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (d), the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse and neglect.

(f) ALLOTMENTS.—

(1) DEFINITIONS.—In this subsection:

(A) FISCAL YEAR 2009 GRANT FUNDS.—The term “fiscal year 2009 grant funds” means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

(B) GRANT FUNDS.—The term “grant funds” means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

(C) STATE.—The term “State” means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(D) TERRITORY.—The term “territory” means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(2) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—

(A) \$ 50,000; and

(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received \$ 50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

(3) ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably re-

duce each of the allotments under paragraph (2) for such fiscal year.

(4) ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

(A) MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATIONS YEARS.—In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than \$ 1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

(i) \$100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than \$ 1,000,000 but less than \$ 2,000,000;

(ii) \$125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$ 2,000,000 but less than \$ 3,000,000; and

(iii) \$150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$ 3,000,000.

(B) ALLOTMENT ADJUSTMENT.—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

(5) HOLD HARMLESS.—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.

SEC. 3. IMMUNITY PROTECTIONS FOR REPORTERS OF CHILD ABUSE.

* * * * *

(b) *FEDERAL IMMUNITY.*—

(1) *IN GENERAL.*—Notwithstanding any other provision of law, any individual making a good faith report to appropriate authorities of a suspected or known instance of child abuse or neglect, or who otherwise, in good faith, provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect shall not be subject to civil liability or criminal prosecution, under any Federal law, arising from making such report or providing such information or assistance.

(2) *PRESUMPTION OF GOOD FAITH.*—In a Federal civil action or criminal prosecution brought against a person based on the person's reporting a suspected or known instance of child abuse or neglect, or providing information or assistance with respect to such a report, as described in paragraph (1), there shall be a presumption that the person acted in good faith.

(3) COSTS.—If the defendant prevails in a Federal civil action described in paragraph (2), the court may award costs and reasonable attorney's fees incurred by the defendant.

