

LEXSEE 104 PL 235

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PUBLIC LAW 104-235 [S. 919]
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CHILD ABUSE PREVENTION AND TREATMENT ACT AMENDMENTS OF 1996

104 P.L. 235; 110 Stat. 3063; 1996 Enacted S. 919; 104 Enacted S. 919

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An Act

To modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

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

[*1] SECTION 1. <42 USC 5101 note> SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.--This Act may be cited as the "Child Abuse Prevention and Treatment Act Amendments of 1996".

(b) Table of Contents.--The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I--AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 100. Findings.

Subtitle A--General Program

- Sec. 101. Office on Child Abuse and Neglect.
- Sec. 102. Advisory Board on Child Abuse and Neglect.
- Sec. 103. Repeal of Inter-Agency Task Force on Child Abuse and Neglect.
- Sec. 104. National clearinghouse for information relating to child abuse.
- Sec. 105. Research, evaluation and assistance activities.
- Sec. 106. Grants for demonstration programs.
- Sec. 107. State grants for prevention and treatment programs.
- Sec. 108. Repeal.
- Sec. 109. Miscellaneous requirements.
- Sec. 110. Definitions.
- Sec. 111. Authorization of appropriations.
- Sec. 112. Rule of construction.
- Sec. 113. Technical and conforming amendments.

Subtitle B--Community-Based Family Resource and Support Grants

Sec. 121. Establishment of program.

Subtitle C--Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

Sec. 131. Repeal of title III.

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Subtitle D--Miscellaneous Provisions

- Sec. 141. Table of contents.
- Sec. 142. Repeals of other laws.

TITLE II--AMENDMENTS TO OTHER ACTS

Subtitle A--Family Violence Prevention and Services Act

- Sec. 201. State demonstration grants.
- Sec. 202. Allotments.
- Sec. 203. Authorization of appropriations.

Subtitle B--Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 ("Adoption Opportunities Act")

- Sec. 211. Findings and purpose.
- [**3064] Sec. 212. Information and services.
- Sec. 213. Authorization of appropriations.

Subtitle C--Abandoned Infants Assistance Act of 1988

- Sec. 221. Priority requirement.
- Sec. 222. Reauthorization.

Subtitle D--Reauthorization of Various Programs

- Sec. 231. Missing Children's Assistance Act.
- Sec. 232. Victims of Child Abuse Act of 1990.

TITLE I--AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

[*100] Sec. 100. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended--

(1) in paragraph (1), to read as follows:

"(1) each year, close to 1,000,000 American children are victims of abuse and neglect;"

(2) in paragraph (3)(C), by inserting "assessment," after "prevention,";

(3) in paragraph (4)--

(A) by striking "tens of"; and

(B) by striking "direct" and all that follows through the semicolon and inserting "tangible expenditures, as well as significant intangible costs;"

(4) in paragraph (7), by striking "remedy the causes of" and inserting "prevent";

(5) in paragraph (8), by inserting "safety," after "fosters the health,";

(6) in paragraph (10)--

(A) by striking "ensure that every community in the United States has" and inserting "assist States and communities with"; and

(B) after "child" insert "and family"; and

(7) in paragraph (11)--

(A) by striking "child protection" each place that such term appears and inserting "child and family protection"; and

(B) in subparagraph (D), by striking "sufficient".

Subtitle A--General Program

[*101] Sec. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

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Section 101 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) is amended to read as follows:

101 "Sec. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

"(a) Establishment.--The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

"(b) Purpose.--The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this Act. In the event that such functions and [**3065] activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities."

[*102] Sec. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended to read as follows:

102 "Sec. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

"(a) Appointment.--The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

"(b) Solicitation of Nominations.--The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a).

"(c) Composition.--In establishing the board under subsection (a), the Secretary shall appoint members from the general public who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent--

- "(1) law (including the judiciary);
- "(2) psychology (including child development);
- "(3) social services (including child protective services);
- "(4) medicine (including pediatrics);
- "(5) State and local government;
- "(6) organizations providing services to disabled persons;
- "(7) organizations providing services to adolescents;
- "(8) teachers;
- "(9) parent self-help organizations;
- "(10) parents' groups;
- "(11) voluntary groups;
- "(12) family rights groups; and
- "(13) children's rights advocates.

"(d) Vacancies.--Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

"(e) Election of Officers.--The board shall elect a chairperson and vice-chairperson at its first meeting from among the members of the board.

"(f) Duties.--Not later than 1 year after the establishment of the board under subsection (a), the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing--

"(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

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"(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and

[**3066] "(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare."

[*103] Sec. 103. REPEAL OF INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103) is repealed.

[*104] Sec. 104. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended--

(1) in subsection (a), to read as follows:

"(a) Establishment.--The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.";

(2) in subsection (b)--

(A) in the matter preceding paragraph (1), by striking "Director" and inserting "Secretary";

(B) in paragraph (1)--

(i) by inserting "assessment," after "prevention,"; and

(ii) by striking ", including" and all that follows and inserting "; and";

(C) in paragraph (2)--

(i) in subparagraph (A), by striking "general population" and inserting "United States";

(ii) in subparagraph (B), by adding "and" at the end;

(iii) in subparagraph (C), by striking "; and" at the end and inserting a period; and

(iv) by striking subparagraph (D); and

(D) by striking paragraph (3); and

(3) in subsection (c)--

(A) in the matter preceding paragraph (1)--

(i) by striking "In establishing" and inserting the following:

"(1) In general.-- In establishing"; and

(ii) by striking "Director" and inserting "Secretary";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving the text of subparagraphs (A) through (D) (as redesignated) 2 ems to the right;

(C) in subparagraph (B) (as redesignated), by striking "that is represented on the task force" and inserting "involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses";

(D) in subparagraph (C) (as redesignated), by striking "State, regional" and all that follows and inserting the following: "Federal, State, regional, and local child welfare data systems which shall include--

"(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

"(ii) information on the number of deaths due to child abuse and neglect";

[**3067] (E) by redesignating subparagraph (D) (as redesignated) as subparagraph (F);

(F) by inserting after subparagraph (C) (as redesignated), the following new subparagraphs:

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"(D) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific and integrated with other case-based foster care and adoption data collected by the Secretary;

"(E) compile, analyze, and publish a summary of the research conducted under section 105(a); and"; and

(G) by adding at the end the following:

"(2) Confidentiality requirement.-- In carrying out paragraph (1)(D), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data."

[*105] Sec. 105. RESEARCH, EVALUATION AND ASSISTANCE ACTIVITIES.

(a) Research.--Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended--

(1) in paragraph (1)--

(A) in the matter preceding subparagraph (A), by striking ", through the Center, conduct research on" and inserting ", in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on";

(B) by redesignating subparagraphs (A) through (C) as subparagraph (B) through (D), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) the nature and scope of child abuse and neglect;";

(D) in subparagraph (B) (as so redesignated), to read as follows:

"(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;"; and

(E) in subparagraph (D) (as so redesignated)--

(i) by striking clause (ii);

(ii) in clause (iii), to read as follows:

"(ii) the incidence of substantiated and unsubstantiated reported child abuse cases;"; and

(iii) by adding at the end the following:

"(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

"(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

[**3068] "(v) the extent to which the lack of adequate resources and the lack of adequate training of individuals required by law to report suspected cases of child abuse have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

"(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

"(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

"(viii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

"(ix) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system."; and

(2) in paragraph (2)--

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(A) in subparagraph (A)--

(i) by striking "and demonstration"; and

(ii) by striking "paragraph (1)(A) and activities under section 106" and inserting "paragraph (1)"; and

(B) in subparagraph (B), by striking "and demonstration".

(b) Repeal.--Subsection (b) of section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is repealed.

(c) Technical Assistance.--Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(c)) is amended--

(1) by striking "(c)" and inserting "(b)";

(2) by striking "The Secretary" and inserting:

"(1) In general.-- The Secretary";

(3) by striking ", through the Center,";

(4) by inserting "State and local" before "public and nonprofit";

(5) by inserting "assessment," before "identification"; and

(6) by adding at the end thereof the following new paragraphs:

"(2) Evaluation.-- Such technical assistance may include an evaluation or identification of--

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under titles I and II.

"(3) Dissemination.-- The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to--

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental [**3069] health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.".

(d) Grants and Contracts.--Section 105(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended--

(1) by striking "(d)" and inserting "(c)"; and

(2) in paragraph (2), by striking the second sentence.

(e) Peer Review.--Section 105(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended--

(1) in the heading preceding paragraph (1), by striking "(e)" and inserting "(d)";

(2) in paragraph (1)--

(A) in subparagraph (A)--

(i) by striking "establish a formal" and inserting ", in consultation with experts in the field and other federal agencies, establish a formal, rigorous, and meritorious";

(ii) by striking "and contracts"; and

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(iii) by adding at the end thereof the following new sentence: "The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect."; and

(B) in subparagraph (B)--

(i) by striking "Office of Human Development" and inserting "Administration on Children and Families"; and

(ii) by adding at the end thereof the following new sentence: "The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.";

(3) in paragraph (2)--

(A) in the matter preceding subparagraph (A), by striking ", contract, or other financial assistance"; and

(B) by adding at the end thereof the following flush sentence:

"The Secretary shall award grants under this section on the basis of competitive review."; and

(4) in paragraph (3)(B), by striking "subsection (e)(2)(B)" each place it appears and inserting "paragraph (2)(B)".

(f) Technical Amendment.--Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended in the section heading by striking " OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT".

[*106] Sec. 106. GRANTS FOR DEMONSTRATION PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended--

(1) in the section heading, by striking " OR SERVICE";

(2) in subsection (a), to read as follows:

"(a) Demonstration Programs and Projects.--The Secretary may make grants to, and enter into contracts with, public agencies or private nonprofit agencies or organizations (or combinations of such agencies or organizations) for time limited, demonstration programs and projects for the following purposes:

[**3070] "(1) Training programs.-- The Secretary may award grants to public or private nonprofit organizations under this section--

"(A) for the training of professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including the links between domestic violence and child abuse;

"(B) to improve the recruitment, selection, and training of volunteers serving in public and private nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally; and

"(C) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

"(2) Mutual support programs.-- The Secretary may award grants to private nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

"(3) Other innovative programs and projects.----

"(A) In general.--The Secretary may award grants to public and private nonprofit agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that--

"(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

"(ii) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

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"(iii) provides further investigation and intensive intervention where the child's safety is in jeopardy.

"(B) Kinship care.--The Secretary may award grants to public and private nonprofit entities in not more than 10 States to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe nurturing environment for the child and where such relatives comply with the State child protection standards.

"(C) Promotion of safe, family-friendly physical environments for visitation and exchange.--The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments--

[**3071] "(i) for court-ordered supervised visitation between children and abusing parents; and

"(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.";

(3) by striking subsection (b);

(4) by redesignating subsection (c) as subsection (b);

(5) in subsection (b) (as redesignated)--

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) through (7) as paragraphs (1) through (5), respectively; and

(6) by adding at the end the following new subsection:

"(c) Evaluation.--In making grants for demonstration projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects."

[*107] Sec. 107. STATE GRANTS FOR PREVENTION AND TREATMENT PROGRAMS.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended to read as follows:

107 "Sec. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

"(a) Development and Operation Grants.--The Secretary shall make grants to the States, based on the population of children under the age of 18 in 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 abuse and neglect;

"(2)(A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

"(B) improving legal preparation and representation, including--

"(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

"(ii) provisions for the appointment of an individual appointed to represent a child in judicial proceedings;

"(3) case management and delivery of services provided to children and their families;

"(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

"(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

"(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

"(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;

[**3072] "(8) developing, implementing, or operating--

"(A) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for--

"(i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

"(ii) the parents of such infants; and

"(B) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including--

"(i) existing social and health services;

"(ii) financial assistance; and

"(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or

"(9) 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.

"(b) Eligibility Requirements.--

"(1) State plan.----

"(A) In general.--To be eligible to receive a grant under this section, a State shall, at the time of the initial grant application and every 5 years thereafter, prepare and submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State intends to address with amounts received under the grant.

"(B) Additional requirement.--After the submission of the initial grant application under subparagraph (A), the State shall provide notice to the Secretary of any substantive changes to any State law relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section.

"(2) Coordination.-- A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including--

"(A) an assurance in the form of a certification by the chief executive officer 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 the reporting of known and suspected instances of child abuse and neglect;

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

"(iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or [**3073] neglected child and of any other child under the same care who may also be in danger of abuse or neglect and ensuring their placement in a safe environment;

"(iv) 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;

"(v) 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, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

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"(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 determination 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;

"(vi) 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;

"(vii) 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 or neglect;

"(viii) 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 casework files to assist in future risk and safety assessment;

"(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or a court appointed special advocate (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

[**3074] "(II) to make recommendations to the court concerning the best interests of the child;

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

"(xi) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section--

"(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 abuse or neglect can appeal such finding;

"(xii) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section 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; or

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

"(xiii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xii), conviction of any one of the felonies listed in clause (xii) 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);

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"(B) 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 disabled infants with 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 [**3075] of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with 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 disabled infants with life threatening conditions;

"(C) 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; and

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

"(D) 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 comply with the requirements set forth in paragraph (1) and this paragraph.

"(3) Limitation.-- With regard to clauses (v) and (vi) of paragraph (2)(A), 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 [**3076] 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.

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

"(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.

"(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 and procedures of State and local agencies and where appropriate, specific cases, evaluate the extent to which the 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 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; 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).

"(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.

[**3077] "(6) Reports.-- Each panel established under paragraph (1) shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the panel.

"(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 abused or neglected.

"(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 from the State during the year.

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

"(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) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.

"(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 abuse or neglect has been made.

"(10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(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 and 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.

"(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 [**3078] and such information available to the Congress and the national clearinghouse for information relating to child abuse."

[*108] Sec. 108. REPEAL.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106b) is repealed.

[*109] Sec. 109. MISCELLANEOUS REQUIREMENTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) <42 USC 5106g> is amended--

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

[*110] Sec. 110. DEFINITIONS.

Section 113 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h) is amended--

(1) by striking paragraphs (1), (2), (5), and (9);

(2)(A) by redesignating paragraphs (3), (4), and (6) through (8) as paragraphs (1) through (5), respectively; and

(B) by redesignating paragraph (10) as paragraph (6);

(3) in paragraph (2) (as redesignated), to read as follows:

"(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;" and

(4) in paragraph (4)(B) (as redesignated), by inserting ", and in cases of caretaker or inter-familial relationships, statutory rape" after "rape".

[*111] Sec. 111. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) In General.--

"(1) General authorization.-- There are authorized to be appropriated to carry out this title, \$ 100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

"(2) Discretionary activities.----

"(A) In general.--Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this title.

"(B) Demonstration projects.--Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106."

[*112] Sec. 112. RULE OF CONSTRUCTION.

Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

115 "Sec. 115. <42 USC 5106i> RULE OF CONSTRUCTION.

"(a) In General.--Nothing in this Act shall be construed--

"(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treatment [**3079] against the religious beliefs of the parent or legal guardian; and

"(2) to require that a State find, or to prohibit a State from finding, abuse or neglect in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

"(b) State Requirement.--Notwithstanding subsection (a), a State shall, at a minimum, have in place authority under State law to permit the child protective services system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State."

[*113] Sec. 113. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Child Abuse Prevention and Treatment Act.--

(1)(A) Sections 104 through 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104 through 5106a), as amended by this subtitle, are redesignated as sections 103 through 106 of such Act, respectively.

(B) Sections 109 through 114 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c through 5106h), as amended by this subtitle, are redesignated as sections 107 through 112 of such Act, respectively.

(C) Section 115 of the Child Abuse Prevention and Treatment Act, as added by section 112 of this Act, is redesignated as section 113 of the Child Abuse Prevention and Treatment Act.

(2) Section 107 of the Child Abuse Prevention and Treatment Act (as redesignated) is amended--

(A) in subsection (a), by striking "acting through the Center and";

(B) in subsection (b)(1), by striking "sections" and inserting "section";

(C) in subsection (c)(1)--

(i) in the matter preceding subparagraph (A), by inserting a comma after "maintain"; and

(ii) in subparagraph (F), by adding a semicolon at the end; and

(D) in subsection (d)(1), by adding "and" at the end.

(3) Section 110(b) of the Child Abuse Prevention and Treatment Act (as redesignated) is amended by striking "effectiveness of--" and all that follows and inserting "effectiveness of assisted programs in achieving the objectives of section 107."

(b) Victims of Crime Act of 1984.--Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a) is amended--

(1) by striking "1402(d)(2)(D) and (d)(3)." and inserting "1402(d)(2)"; and

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

(2) by striking "section 4(d)" and inserting "section 109".

[**3080] Subtitle B--Community-Based Family Resource and Support Grants

[*121] Sec. 121. ESTABLISHMENT OF PROGRAM.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended to read as follows:

II "TITLE II--COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

201 "Sec. 201. <42 USC 5116> PURPOSE AND AUTHORITY.

"(a) Purpose.--It is the purpose of this title--

"(1) to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that coordinate resources among existing education, vocational rehabilitation, disability, respite care, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State; and

"(2) to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.

"(b) Authority.--The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this title as the 'lead entity') under section 202(1) for the purpose of--

"(1) developing, operating, expanding and enhancing Statewide networks of community-based, prevention-focused, family resource and support programs that--

"(A) offer assistance to families;

"(B) provide early, comprehensive support for parents;

"(C) promote the development of parenting skills, especially in young parents and parents with very young children;

"(D) increase family stability;

"(E) improve family access to other formal and informal resources and opportunities for assistance available within communities;

"(F) support the additional needs of families with children with disabilities through respite care and other services; and

"(G) decrease the risk of homelessness;

"(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

"(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and [**3081] description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities;

"(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and

"(5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

202 "Sec. 202. <42 USC 5116a> ELIGIBILITY.

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

"A State shall be eligible for a grant under this title for a fiscal year if--

"(1)(A) the chief executive officer of the State has designated a lead entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network;

"(B) such lead entity is an existing public, quasi-public, or nonprofit private entity (which may be an entity that has not been established pursuant to State legislation, executive order, or any other written authority of the State) with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

"(C) in determining which entity to designate under subparagraph (A), the chief executive officer should give priority consideration equally to a trust fund advisory board of the State or to an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

"(D) in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this title (as such title was in effect on the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the chief executive officer shall designate the lead entity only after full consideration of the capacity and expertise of all entities desiring to be designated under subparagraph (A);

[**3082] "(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing--

"(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

"(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

"(C) direction and oversight to the network through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

"(3) the chief executive officer of the State provides assurances that the lead entity--

"(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

"(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

"(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

"(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

203 "Sec. 203. <42 USC 5116b> AMOUNT OF GRANT.

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

"(a) Reservation.--The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

"(b) Remaining Amounts.--

"(1) In general.-- The Secretary shall allot the amount appropriated under section 210 for a fiscal year and remaining after the reservation under subsection (a) among the States as follows:

[**3083] "(A) 70 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the number of children under the age of 18 residing in the State bears to the total number of children under the age of 18 residing in all States (except that no State shall receive less than \$ 175,000 under this subparagraph).

"(B) 30 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the State lead agency in the preceding fiscal year bears to the aggregate of the amounts leveraged by all States from private, State, or other non-Federal sources and directed through the lead agency of such States in the preceding fiscal year.

"(2) Additional requirement.-- The Secretary shall provide allotments under paragraph (1) to the State lead entity.

"(c) Allocation.--Funds allotted to a State under this section--

"(1) shall be for a 3-year period; and

"(2) shall be provided by the Secretary to the State on an annual basis, as described in subsection (a).

204 "Sec. 204. <42 USC 5115c> EXISTING GRANTS.

"(a) In General.--Notwithstanding the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of the enactment of such Act under any program described in subsection (b), shall continue to receive funds under such program, subject to the original terms under which such funds were provided under the grant, through the end of the applicable grant cycle.

"(b) Programs Described.--The programs described in this subsection are the following:

"(1) The Community-Based Family Resource programs under section 201 of this Act, as such section was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

"(2) The Family Support Center programs under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.), as such title was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

"(3) The Emergency Child Abuse Prevention Services grant program under section 107A of this Act, as such section was in effect on the day before the date of the enactment of the Human Services Amendments of 1994.

"(4) Programs under the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986.

205 "Sec. 205. <42 USC 5116d> APPLICATION.

"A grant may not be made to a State under this title unless an application therefor is submitted by the State to the Secretary and such application contains the types of information specified [**3084] by the Secretary as essential to carrying out the provisions of section 202, including--

"(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

"(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

"(3) an assurance that an inventory of current family resource programs, respite care, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

"(4) a budget for the development, operation and expansion of the State's network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend in non-Federal funds an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

"(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

"(6) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

"(7) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

"(8) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups;

"(9) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhancement activities;

"(10) a description of how the applicant entity's activities and those of the network and its members will be evaluated;

"(11) a description of the actions that the applicant entity will take to advocate systemic changes in State policies, practices, procedures and regulations to improve the delivery of [**3085] prevention-focused, family resource and support program services to children and families; and

"(13) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

206 "Sec. 206. <42 USC 5116e> LOCAL PROGRAM REQUIREMENTS.

"(a) In General.--Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that--

"(1) assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations, and private sector representatives;

"(2) develop a strategy to provide, over time, a continuum of preventive, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

"(3) provide--

"(A) core family resource and support services such as--

"(i) parent education, mutual support and self help, and leadership services;

"(ii) outreach services;

"(iii) community and social service referrals; and

"(iv) follow-up services;

"(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including all forms of respite care services to the extent practicable; and

"(C) access to optional services, including--

"(i) referral to and counseling for adoption services for individuals interested in adopting a child or relinquishing their child for adoption;

"(ii) child care, early childhood development and intervention services;

"(iii) referral to services and supports to meet the additional needs of families with children with disabilities;

"(iv) referral to job readiness services;

"(v) referral to educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

"(vi) self-sufficiency and life management skills training;

"(vii) community referral services, including early developmental screening of children; and

"(viii) peer counseling;

"(4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

"(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

"(6) participate with other community-based, prevention-focused, family resource and support program grantees in the [**3086] development, operation and expansion of the Statewide network.

"(b) Priority.--In awarding local grants under this title, a lead entity shall give priority to effective community-based programs serving low income communities and those serving young parents or parents with young children, including community-based family resource and support programs.

207 "Sec. 207. <42 USC 5116f> PERFORMANCE MEASURES.

"A State receiving a grant under this title, through reports provided to the Secretary--

"(1) shall demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this title;

"(2) shall supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

"(3) shall demonstrate the establishment of new respite care and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 205(3);

"(4) shall describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this title;

"(5) shall demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

"(6) shall demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

"(7) shall describe the results of a peer review process conducted under the State program; and

"(8) shall demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community based, prevention-focused, family resource and support programs.

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

208 "Sec. 208. <42 USC 5116g> NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

"The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State--

"(1) to create, operate and maintain a peer review process;

"(2) to create, operate and maintain an information clearinghouse;

[**3087] "(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

"(4) to create, operate and maintain a computerized communication system between lead entities; and

"(5) to fund State-to-State technical assistance through bi-annual conferences.

209 "Sec. 209. <42 USC 5116h> DEFINITIONS.

"For purposes of this title:

"(1) Children with disabilities.-- The term 'children with disabilities' has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

"(2) Community referral services.-- The term 'community referral services' means services provided under contract or through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite care services, health and mental health services, employability development and job training, and other social services, including early developmental screening of children, through help lines or other methods.

"(3) Family resource and support program.-- The term 'family resource and support program' means a community-based, prevention-focused entity that--

"(A) provides, through direct service, the core services required under this title, including--

"(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

"(ii) services to facilitate the ability of parents to serve as resources to one another (such as through mutual support and parent self-help groups);

"(iii) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities;

"(iv) community and social services to assist families in obtaining community resources; and

"(v) follow-up services;

"(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite care services; and

"(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including--

"(i) child care, early childhood development and early intervention services;

"(ii) referral to self-sufficiency and life management skills training;

[**3088] "(iii) referral to education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

"(iv) referral to services providing job readiness skills;

"(v) child abuse and neglect prevention activities;

"(vi) referral to services that families with children with disabilities or special needs may require;

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

"(vii) community and social service referral, including early developmental screening of children;

"(viii) peer counseling;

"(ix) referral for substance abuse counseling and treatment; and

"(x) help line services.

"(4) Outreach services.-- The term 'outreach services' means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

"(5) Respite care services.-- The term 'respite care services' means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who-

"(A) are in danger of abuse or neglect;

"(B) have experienced abuse or neglect; or

"(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

210 "Sec. 210. <42 USC 5116i> AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title, \$ 66,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001."

Subtitle C--Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

[*131] Sec. 131. REPEAL OF TITLE III.

Title III of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5118 et seq.) is repealed.

Subtitle D--Miscellaneous Provisions

[*141] Sec. 141. TABLE OF CONTENTS.

The table of contents of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended to read as follows:

"Sec. 1. Short title and table of contents.

"Sec. 2. Findings.

I "TITLE I--GENERAL PROGRAM

"Sec. 101. Office on Child Abuse and Neglect.

[**3089] "Sec. 102. Advisory Board on Child Abuse and Neglect.

"Sec. 103. National clearinghouse for information relating to child abuse.

"Sec. 104. Research and assistance activities.

"Sec. 105. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.

"Sec. 106. Grants to States for child abuse and neglect prevention and treatment programs.

"Sec. 107. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.

"Sec. 108. Miscellaneous requirements relating to assistance.

"Sec. 109. Coordination of child abuse and neglect programs.

"Sec. 110. Reports.

"Sec. 111. Definitions.

"Sec. 112. Authorization of appropriations.

"Sec. 113. Rule of construction.

II "TITLE II--COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

"Sec. 201. Purpose and authority.

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

"Sec. 202. Eligibility.

"Sec. 203. Amount of grant.

"Sec. 204. Existing grants.

"Sec. 205. Application.

"Sec. 206. Local program requirements.

"Sec. 207. Performance measures.

"Sec. 208. National network for community-based family resource programs.

"Sec. 209. Definitions.

"Sec. 210. Authorization of appropriations.

[*142] Sec. 142. REPEALS OF OTHER LAWS.

(a) Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986.--The Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is repealed.

(b) Family Support Centers.--Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.) is repealed.

TITLE II--AMENDMENTS TO OTHER ACTS

Subtitle A--Family Violence Prevention and Services Act

[*201] Sec. 201. STATE DEMONSTRATION GRANTS.

Section 303(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10420(e)) <42 USC 10402> is amended--

(1) by striking "following local share" and inserting "following non-Federal matching local share"; and

(2) by striking "20 percent" and all that follows through "private sources." and inserting "with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent."

[*202] Sec. 202. ALLOTMENTS.

Section 304(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(a)(1)) is amended by striking "\$ 200,000" and inserting "\$ 400,000".

[*203] Sec. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended--

[**3090] (1) in subsection (b), by striking "80" and inserting "70"; and

(2) by adding at the end thereof the following new subsections:

"(d) Grants for State Coalitions.--Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

"(e) Non-Supplanting Requirement.--Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title."

Subtitle B--Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 ("Adoption Opportunities Act")

[*211] Sec. 211. FINDINGS AND PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended--

(1) in subsection (a)--

(A) in paragraph (1)--

(i) by striking "50 percent between 1985 and 1990" and inserting "61 percent between 1986 and 1994"; and

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

(ii) by striking "400,000 children at the end of June, 1990" and inserting "452,000 as of June 1994";

(B) in paragraph (5), by striking "local" and inserting "legal"; and

(C) in paragraph (7), to read as follows:

"(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

"(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and

"(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group"; and

(2) in subsection (b)--

(A) by striking "conditions, by--" and all that follows through "Department of Health and Human Services to--" and inserting "conditions, by providing a mechanism to--"; and

(B) by redesignating subparagraphs (A) through (C) of paragraph (2), as paragraphs (1) through (3), respectively, and by realigning the margins of such paragraphs accordingly.

[*212] Sec. 212. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended--

(1) in subsection (a), by striking the last sentence;

(2) in subsection (b)--

(A) in paragraph (6), to read as follows:

[**3091] "(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes";

(B) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(C) by inserting after paragraph (6), the following new paragraph:

"(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based and other organizations), or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption"; and

(3) in subsection (d)(2)--

(A) by striking "Each" and inserting "(A) Each";

(B) by striking "for each fiscal year" and inserting "that describes the manner in which the State will use funds during the 3 fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be"; and

(C) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations--

"(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

"(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States."

[*213] Sec. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended--

104 P.L. 235, *; 110 Stat. 3063, **;
1996 Enacted S. 919; 104 Enacted S. 919

(1) in subsection (a), by striking "\$ 10,000,000" and all that follows through "203(c)(1)" and inserting "\$ 20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

Subtitle C--Abandoned Infants Assistance Act of 1988

[*221] Sec. 221. PRIORITY REQUIREMENT.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following:

"(h) Priority Requirement.--In making grants under subsection (a), the Secretary shall give priority to applicants located in States that have developed and implemented procedures for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under State law."

[*222] Sec. 222. [**3092] REAUTHORIZATION.

Section 104(a)(1) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "\$ 20,000,000" and all that follows and inserting "\$ 35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001."

Subtitle D--Reauthorization of Various Programs

[*231] Sec. 231. MISSING CHILDREN'S ASSISTANCE ACT.

(a) Authorization of Appropriations.--Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended--

(1) by striking "To" and inserting "(a) In General.--To";

(2) by striking "1993, 1994, 1995, and 1996" and inserting "1997 through 2001"; and

(3) by adding at the end the following new subsection:

"(b) Evaluation.--The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title."

(b) Special Study and Report.--Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

[*232] Sec. 232. VICTIMS OF CHILD ABUSE ACT OF 1990.

Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended--

(1) in subsection (a)(2), by striking "and 1996" and inserting "1996, and each of the fiscal years 1997 through 2000"; and

(2) in subsection (b)(2), by striking "and 1996" and inserting "1996, and each of the fiscal years 1997 through 2000".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

DESCRIPTORS: DEPARTMENT OF HEALTH AND HUMAN SERVICES; CHILD ABUSE; GOVERNMENT INFORMATION AND INFORMATION SERVICES; SOCIAL SCIENCE RESEARCH; DEMONSTRATION AND PILOT PROJECTS; FEDERAL AID TO LOCAL GOVERNMENTS; PUBLIC WELFARE PROGRAMS; NON-PROFIT ORGANIZATIONS; FEDERAL AID TO STATES; PUBLIC WELFARE PROGRAMS; HOMICIDE; VIOLENCE; CITIZEN PARTICIPATION; STATE GOVERNMENTS; LOCAL GOVERNMENT; FAMILIES; ADOPTION; FAMILY ABANDONMENT