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PUBLIC LAW 102-295 [S. 838]
MAY 28, 1992
CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION AND FAMILY SERVICES ACT OF 1992

102 P.L. 295; 106 Stat. 187; 1992 Enacted S. 838; 102 Enacted S. 838

BILL TRACKING REPORT: 102 Bill Tracking S. 838
FULL TEXT VERSION(S) OF BILL: 102 S. 838
CIS LEGIS. HISTORY DOCUMENT: 102 CIS Legis. Hist. P.L. 295

An Act

To amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such 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, Domestic Violence, Adoption and Family Services Act of 1992".

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

Sec. 1. Short title; table of contents.

TITLE I -- CHILD ABUSE PREVENTION AND TREATMENT ACT

SUBTITLE A -- GENERAL PROVISIONS

Sec. 101. Amendatory references.

Sec. 102. Findings.

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Sec. 111. Advisory board on child abuse and neglect.

Sec. 112. Research and assistance activities of the National Center on Child Abuse and Neglect.

Sec. 113. Grants to public agencies and nonprofit private organizations for demonstration or service programs and

projects.

Sec. 114. Grant program for child abuse neglect prevention and treatment.

Sec. 115. Emergency grant program.

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SUBTITLE C -- COMMUNITY-BASED PREVENTION GRANTS

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SUBTITLE D -- CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS

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SUBTITLE E -- MISCELLANEOUS PROVISIONS

Sec. 141. Technical amendments.

Sec. 142. Report concerning voluntary reporting system.

TITLE II -- TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND

CRISIS NURSERIES ACT

Sec. 201. Short title.

Sec. 202. Administrative provisions.

Sec. 203. Authorization of appropriations.

TITLE III -- REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE

Sec. 301. Amendatory references.

Sec. 302. Expansion of purpose.

Sec. 303. Expansion of State grant program.

[**188] Sec. 304. Involvement in planning.

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Sec. 305. Confidentiality assurances.

Sec. 306. Procedure for evicting violent spouses.

Sec. 307. Penalties for noncompliance.

Sec. 308. Grants to Indian tribes.

Sec. 309. Maximum ceiling.

Sec. 310. Grants to entities other than States; local share.

Sec. 311. Shelter and related assistance.

Sec. 312. Allotment of funds.

Sec. 313. Secretarial responsibilities.

Sec. 314. Evaluation and report to Congress.

Sec. 315. Funding for technical assistance centers.

Sec. 316. Authorization of appropriations.

Sec. 317. Contracts and grants for State domestic violence coalitions.

Sec. 318. Regulations.

Sec. 319. Family member abuse information and documentation.

Sec. 320. Grants for public information campaigns.

Sec. 321. Model State leadership incentive grants for domestic violence intervention.

Sec. 322. Educating youth about domestic violence.

TITLE IV -- REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION

Sec. 401. Findings and purpose.

Sec. 402. Model adoption legislation and procedures.

Sec. 403. Information and service functions.

Sec. 404. Authorization of appropriations.

TITLE I -- CHILD ABUSE PREVENTION AND TREATMENT ACT

SUBTITLE A -- GENERAL PROVISIONS

[*101]

SEC. 101. AMENDATORY REFERENCES.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to,

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or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

[*102]

SEC. 102. FINDINGS.

(a) In General. The Act is amended by inserting after section 1 the following new section:

"SEC. 2. <42 USC 5101 note> FINDINGS.

"Congress finds that --

"(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;

"(2) many of these children and their families fail to receive adequate protection or treatment;

"(3) the problem of child abuse and neglect requires a comprehensive approach that --

"(A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;

"(B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;

"(C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;

[**189] "(D) ensures properly trained and support staff with specialized knowledge, to carry out their child protection duties; and

"(E) is sensitive to ethnic and cultural diversity;

"(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;

"(5) all elements of American society have a shared responsibility in responding to this national child and family emergency;

"(6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

"(7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

"(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

"(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

"(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

"(11) the Federal government should provide leadership and assist communities in their child protection efforts by --

"(A) promoting coordinated planning among all levels of government;

"(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

"(C) strengthening the capacity of States to assist communities;

"(D) allocating sufficient financial resources to assist States in implementing community plans;

"(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

"(F) providing leadership to end the abuse and neglect of the nation's children and youth."

(b) Conforming Amendment. The table of contents of the Act is amended by inserting after the item relating to section 1 the following new item:

"Sec. 2. Findings."

[**190] SUBTITLE B -- GENERAL PROGRAM

[*111]

SEC. 111. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

(a) Duties. Section 102(f) (42 U.S.C. 5102(f)) is amended --

(1) in paragraph (2), by striking "and" after the semicolon at the end of subparagraph (E);

(2) in paragraph (3), by striking the period and inserting "; and"; and

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

"(4) not later than 24 months after the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992, submit to the Secretary and the appropriate committees of the Congress a report containing the recommendations of the Board with respect to --

"(A) a national policy designed to reduce and ultimately to prevent child and youth maltreatment-related deaths, detailing appropriate roles and responsibilities for State and local governments and the private sector;

"(B) specific changes needed in Federal laws and programs to achieve an effective Federal role in the implementation of the policy specified in subparagraph (A); and

"(C) specific changes needed to improve national data collection with respect to child and youth maltreatment-related deaths."

(b) Authorization of Appropriations. Section 102 (42 U.S.C. 5102) is amended by adding at the end thereof the following new subsection:

"(h) Authorization of Appropriations. There are authorized to be appropriated to carry out this section, \$ 1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."

[*112]

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

(a) Research Topics. Section 105(a)(1) (42 U.S.C. 5105(a)(1)) is amended --

(1) in subparagraph (A), by striking "and treatment of" and inserting ", treatment and cultural distinctions of";

(2) in subparagraph (B), by striking "appropriate and effective" and inserting "appropriate, effective and culturally sensitive"; and

(3) in subparagraph (C)(ii), by inserting "cultural diversity," after "child support,".

(b) Publication and Dissemination of Information. Section 105(b)(1) (42 U.S.C. 5105(b)(1)) is amended to read as follows:

"(1) as a part of research activities, establish a national data collection and analysis program --

"(A) which, to the extent practicable, coordinates existing State child abuse and neglect reports and which shall include --

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

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

[**191] "(B) which shall collect, compile, analyze, and make available State child abuse and neglect reporting information which, to the extent practical, is universal and case specific, and integrated with other case-based foster care

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and adoption data collected by the Secretary;"

(c) Peer Review for Grants. Section 105(e) (42 U.S.C. 5105(e)) is amended --

(1) in paragraph (1) --

(A) in subparagraph (A), by inserting "and reviewing" after "evaluating"; and

(B) by amending subparagraph (B) to read as follows:

"(B) In establishing the process required by subparagraph (A), the Secretary shall appoint to the peer review panels only members who are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise in the application to be reviewed, and who are not individuals who are officers or employees of the Office of Human Development. The panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but may not meet less than once a year.";

(2) in paragraph (2) --

(A) in subparagraph (A), by inserting "and evaluate" after "determine"; and

(B)(i) by striking "and" after the semicolon at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; and"; and

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

"(C) make recommendations to the Secretary concerning whether the application for the project shall be approved.";

and

(3) in paragraph (3), by amending subparagraph (A) to read as follows: "(A) The Secretary shall provide grants and contracts under this section from among the projects which the peer review panels established under paragraph (1)(A) have determined to have merit."

[*113]

SEC. 113. GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS.

(a) General Authority. Section 106(a) (42 U.S.C. 5106(a)) is amended --

(1) by striking "(a)" and all that follows through "Secretary" and inserting the following:

"(a) General Authority --

"(1) Demonstration or service programs and projects. The Secretary"; and

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

"(2) Evaluations. In making grants or entering into contracts for demonstration projects, 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 contract, or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects."

[**192] (b) Discretionary Grants. Section 106(c)(1) (42 U.S.C. 5106(c)(1)) is amended --

(1) in subparagraph (B), by inserting "culturally specific" before "instruction"; and

(2)(A) in subparagraph (A), by striking "or" after the semicolon at the end;

(B) in subparagraph (B), by striking the period and inserting "; or"; and

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

"(C) to improve the recruitment, selection, and training of volunteers serving in private and public 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."

[*114]

SEC. 114. GRANT PROGRAM FOR CHILD ABUSE NEGLECT PREVENTION AND TREATMENT.

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(a) Development and Operation Grants. Section 107(a) (42 U.S.C. 5106a(a)) is amended to read as follows:

"(a) Development and Operation Grants. The Secretary, acting through the Center, 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 service system of each such State in --

"(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

"(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

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

"(C) improving legal preparation and representation;

"(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

"(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

"(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs.

Not more than 15 percent of a grant under this subsection may be expended for carrying out paragraph (5). The preceding sentence does not apply to any program or activity authorized in any of paragraphs (1) through (4)."

(b) Establishment of Certain Requirement. Section 107 (42 U.S.C. 5106a) is amended --

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) State Program Plan. To be eligible to receive a grant under this section, a State shall submit every four years a plan [**193] to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

"(1) Intake and screening --

"(A) Staffing. The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

"(B) Training. The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

"(C) Public education. An assessment of the State or local agency's public education program with respect to --

"(i) what is child abuse and neglect;

"(ii) who is obligated to report and who may choose to report; and

"(iii) how to report.

"(2) Investigation of reports --

"(A) Response time. The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

"(B) Staffing. The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(C) Interagency coordination. A description of the extent to which interagency coordination processes exist and are available Statewide, and whether protocols or formal policies governing interagency relationships exist in the following areas --

- "(i) multidisciplinary investigation teams among child welfare and law enforcement agencies;
- "(ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and
- "(iii) special interagency child fatality review panels, including a listing of those agencies that are involved.
- "(D) Training. The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.
- [**194] "(E) Legal representation. A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.
- "(3) Case management and delivery of ongoing family services. For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at risk of removal, the State shall assess the activities and the outcomes of the following services:
 - "(A) Response time. The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.
 - "(B) Staffing. The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.
 - "(C) Training. The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.
 - "(D) Interagency coordination. The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.
- "(4) General system enhancement --
 - "(A) Automation. A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.
 - "(B) Assessment tools. A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.
 - "(C) Information and referral. A description and assessment of the extent to which a State has in place --
 - "(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and
 - "(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.
 - [**195] "(D) Staff capacity and competence. An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.
- "(5) Innovative approaches. A description of --
 - "(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and
 - "(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed."

(c) Technical Correction. Section 107(d), as redesignated by subsection (b) of this section, is amended in the matter

preceding subparagraph (A) by striking "this subsection" and inserting "subsection (a)".

(d) <42 USC 5106a note> Delayed Effective Date for New Requirements. The amendments described in subsections (a) and (b) are made upon the date of the enactment of this Act. Such amendments take effect on October 1, 1993, or on October 1 of the first fiscal year for which \$ 40,000,000 or more is made available under subsection (a)(2)(B)(ii) of section 114 of the Child Abuse Prevention and Treatment Act (as amended by section 117 of this Act), whichever occurs first. Prior to such amendments taking effect, section 107(a) of the Child Abuse Prevention and Treatment Act, as in effect on the day before the date of the enactment of this Act, continues to be in effect.

[*115]

SEC. 115. EMERGENCY GRANT PROGRAM.

(a) In General. Section 107A(e) (42 U.S.C. 5106a-1(e)) is amended by striking out "and such sums" and all that follows through the end thereof and inserting "such sums as may be necessary for fiscal year 1991, \$ 40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."

(b) Technical Amendment. Section 1 is amended in the table of contents by inserting after the item relating to section 107 the following:

"Sec. 107A. Emergency child abuse prevention services grant."

[*116]

SEC. 116. GRANT PROGRAM FOR INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

(a) In General. Section 109 (42 U.S.C. 5106c) is amended --

(1) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.";

(2) in subsection (a), by striking out paragraphs (1) and (2), and inserting in lieu thereof the following new paragraphs:

[**196] "(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

"(2) the handling of cases of suspected child abuse or neglect related fatalities; and

"(3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.";

(3) in subsection (b) --

(A) by striking out "and 107(e) or receive a waiver under section 107(c)" in paragraph (1);

(B) by striking out "and" at the end of paragraph (3);

(C) by inserting "annually" after "submit" in paragraph (4); and

(D) by striking out the period at the end thereof and inserting the following: "; and

"(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (3) of subsection (a).";

(4) in subsection (c)(1) --

(A) in the matter preceding subparagraph (A) --

(i) by inserting ", and maintain" after "designate"; and

(ii) by striking out "child abuse" and inserting in lieu thereof "child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities";

(B) by striking out "judicial and legal officers", in subparagraph (B) and inserting in lieu thereof "judges and attorneys

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involved in both civil and criminal court proceedings related to child abuse and neglect";

(C) by inserting before the semicolon in subparagraph (C), the following: ", including both attorneys for children and, where such programs are in operation, court appointed special advocates"; and

(D) by striking out "handicaps;" in subparagraph (F), and inserting in lieu thereof "disabilities".

(5) in subsection (d) --

(A) by striking out "the State task force shall" in the matter preceding paragraph (1), and inserting in lieu thereof "and at three year intervals thereafter, the State task force shall comprehensively";

(B) by striking out "judicial" and all that follows in paragraph (1), and inserting in lieu thereof the following: "both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal";

(C) by inserting "policy and training" before "recommendations" in paragraph (2); and

(6) in subsection (e)(1) --

(A) by striking out "child abuse" and all that follows through "child victim" in subparagraph (A), and inserting in lieu thereof the following: "child abuse and neglect, [**197] particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family";

(B) by striking out "improve the rate" and all that follows through "abuse cases" in subparagraph (B), and inserting in lieu thereof the following: "improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children"; and

(C) in subparagraph (C) --

(i) by inserting ", protocols" after "regulations"; and

(ii) by inserting "and exploitation" after "sexual abuse".

(b) Conforming Amendment. Section 1 is amended in the item relating to section 109 in the table of contents by striking "Grants" and all that follows and inserting the following: "Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.".

[*117]

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) In General. Section 114(a) (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) In General. --

"(1) Authorization. There are authorized to be appropriated to carry out this title, except for section 107A, \$ 100,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(2) Allocations --

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, \$ 5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 107(g).

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A) --

"(i) 33 1/3 percent shall be available for activities under sections 104, 105 and 106; and

"(ii) 66 2/3 percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108.".

(b) <42 USC 5106h note> Delayed Effective Date. Paragraph (2) of section 114(a), as amended by subsection (a), shall become effective on October 1 of the first fiscal year for which \$ 30,000,000 or more would be available under

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subsection (a)(2)(B)(ii) of such section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a) (as in effect prior to the amendment made by such subsection (a)) shall continue in effect.

[**198] SUBTITLE C -- COMMUNITY-BASED PREVENTION GRANTS

[*121]

SEC. 121. TITLE HEADING AND PURPOSE.

(a) Title Heading. The heading for title II (42 U.S.C. 5116 et seq.) is amended to read as follows:

"TITLE II -- COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS".

(b) Purpose. Section 201 (42 U.S.C. 5116) is amended --

(1) in the section heading to read as follows:

"SEC. 201. PURPOSES."

; and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.".

[*122]

SEC. 122. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

Section 203 (42 U.S.C. 5116b) is amended --

(1) by striking out subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated), by striking out "such sums" and all that follows through the period and inserting in lieu thereof "\$ 45,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

[*123]

SEC. 123. STATE ELIGIBILITY.

Section 204 (42 U.S.C. 5116c) is amended --

(1) by striking out "or other funding mechanism"; and

(2) by striking out "which is available only for child" and all that follows through the end thereof, and inserting "which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities.".

[*124]

SEC. 124. LIMITATIONS.

Section 205 (42 U.S.C. 5116d) is amended --

(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

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"(1) Allotment formula. --

"(A) In general. Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that --

"(i) 50 percent of the total amount appropriated is allotted among each State based on the number of children under the age of 18 in each such State, except that each State shall receive not less than \$ 30,000; and

[**199] "(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

"(B) Use of amounts. Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed \$ 10,000,000."; and

(2) in subsection (b)(1) --

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraphs:

"(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

"(C) demonstrate the outcome of services and activities funded under this title;

"(D) provide evidence that Federal assistance received under this title has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 204 shall be supplemented by State assistance);

"(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;"

SUBTITLE D -- CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS

FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS

[*131]

SEC. 131. AUTHORIZATION OF APPROPRIATIONS.

Section 306(a) (42 U.S.C. 5118e(a)) is amended by inserting ", and such sums as may be necessary for each of the fiscal years 1993 through 1995" before the period.

SUBTITLE E -- MISCELLANEOUS PROVISIONS

[*141]

SEC. 141. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 5101 et seq.) is amended --

(1) by striking "handicapped child" each place such term appears and inserting "child with disabilities";

[**200] (2) by striking "child with handicaps" each place such term appears and inserting "child with disabilities";

(3) by striking "handicap" each place such term appears and inserting "disability";

(4) by striking "handicapped" each place such term appears and inserting "disabled"; and

(5) in the case of any variation of a term struck by paragraph (1), (2), (3), or (4) that results from the capitalization of any of the letters of such term, from the use of the plural or the singular, from the use of the possessive, from the use of a different tense, from the use of a different form of typeface, or from any combination thereof, by striking such variation each place the variation appears and inserting the analogous variation of the term inserted in lieu of the term struck by paragraph (1), (2), (3), or (4), respectively.

102 P.L. 295, *142; 106 Stat. 187, **200;
1992 Enacted S. 838; 102 Enacted S. 838

[*142]

SEC. 142. <42 USC 5106f-1> REPORT CONCERNING VOLUNTARY REPORTING SYSTEM.

Not later than April 30, 1993, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 479 of the Social Security Act.

TITLE II -- TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND
CRISIS NURSERIES ACT

[*201]

SEC. 201. <42 USC 5117 note> SHORT TITLE.

This title may be cited as the "Temporary Child Care for Children With Disabilities and Crisis Nurseries Act Amendments of 1992".

[*202]

SEC. 202. ADMINISTRATIVE PROVISIONS.

(a) Definitions. Section 205(d)(2) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(d)(2)) is amended by striking "given" and all that follows and inserting the following: "given such term in section 602(a)(1) of the Individuals with Disabilities Education Act;".

(b) Technical Amendment. Section 205(a)(1)(A)(vi) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(a)(1)(A)(vi)) is amended by striking out "(vi)" and inserting in lieu thereof "(v)".

[*203]

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117d) is amended in the first sentence --

(1) by striking "and" after "1989,"; and

(2) by inserting before the period the following: ", and \$ 20,000,000 for each of the fiscal years 1992 through 1995".

[**201] TITLE III -- REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE

[*301]

SEC. 301. AMENDATORY REFERENCES.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.).

102 P.L. 295, *302; 106 Stat. 187, **201;
1992 Enacted S. 838; 102 Enacted S. 838

[*302]

SEC. 302. EXPANSION OF PURPOSE.

Section 302 (42 U.S.C. 10401) is amended --

(1) in paragraph (1) --

(A) by striking out "demonstration the effectiveness of assisting" and inserting in lieu thereof "assist"; and

(B) by striking out "to prevent" and inserting in lieu thereof "to increase public awareness about and prevent"; and

(2) in paragraph (2), by inserting ", courts, legal, social service, and health care professionals" after "(including law enforcement agencies)".

[*303]

SEC. 303. EXPANSION OF STATE GRANT PROGRAM.

Section 303(a) (42 U.S.C. 10402(a)) is amended --

(1) in paragraph (1), by striking out "demonstration grants" and inserting in lieu thereof "grants"; and

(2) in paragraph (2) --

(A) by striking out "demonstration grant" in the matter preceding subparagraph (A), and inserting in lieu thereof "grant";

(B) by striking out "demonstration grant" in subparagraph (A), and inserting in lieu thereof "grant"; and

(C) by striking out "particularly those projects" in subparagraph (B)(ii) and all that follows through the end thereof, and inserting in lieu thereof the following: "the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.".

[*304]

SEC. 304. INVOLVEMENT IN PLANNING.

Section 303(a)(2)(C) (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "State domestic violence coalitions" after "involve".

[*305]

SEC. 305. CONFIDENTIALITY ASSURANCES.

Section 303(a)(2)(E) (42 U.S.C. 10402(a)(2)(E)) is amended by striking out "assurances that procedures will be developed" and inserting in lieu thereof "documentation that procedures have been developed, and implemented including copies of the policies and procedure,".

[*306]

SEC. 306. PROCEDURE FOR EVICTING VIOLENT SPOUSES.

Section 303(a)(2)(F) (42 U.S.C. 10402(a)(2)(F)) is amended to read as follows:

[**202] "(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;".

[*307]

SEC. 307. PENALTIES FOR NONCOMPLIANCE.

Section 303(a)(3) (42 U.S.C. 10402(a)(3)) is amended --

(1) by inserting "a 6-month period providing an" before "opportunity"; and

(2) by adding at the end thereof the following new sentences: "The Secretary shall provide such notice within 45 days

102 P.L. 295, *307; 106 Stat. 187, **202;
1992 Enacted S. 838; 102 Enacted S. 838

of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 311 shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph."

[*308]

SEC. 308. GRANTS TO INDIAN TRIBES.

Section 303(b) (42 U.S.C. 10402(b)) is amended --

(1) in paragraph (1) --

(A) by striking out "is authorized to make demonstration grants" and inserting in lieu thereof ", from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants";

(B) by striking out "and tribal" and inserting in lieu thereof ", tribal"; and

(C) by inserting "and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation", after "tribal organizations";

(2) in paragraph (2) --

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by striking out "and (E)" and inserting in lieu thereof "(E) and (F)"; and

(C) by adding at the end thereof the following new sentence: "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section."; and

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

"(3) In the case of a project for which the initial application for a demonstration grant under this subsection is made on or after the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992, the terms 'Indian tribe' and 'tribal organization', [*203] for purposes of this subsection, have the meaning given such terms in section 4 of the Indian Self-Determination and Education Assistance Act."

[*309]

SEC. 309. MAXIMUM CEILING.

(a) In General. Section 303 (42 U.S.C. 10402) is amended --

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively.

(b) <42 USC 10402 note> Effectivity of Amendments. The amendments made by subsection (a) are effective in the case of amounts appropriated for fiscal year 1992 and subsequent fiscal years.

[*310]

SEC. 310. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

Section 303(e) (as redesignated by section 309 of this Act) is amended --

(1) in the first sentence --

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by inserting "or an Indian Tribe" after "State";

102 P.L. 295, *310; 106 Stat. 187, **203;
1992 Enacted S. 838; 102 Enacted S. 838

- (C) by striking out "35 percent" and inserting in lieu thereof "20 percent";
- (D) by striking out "55 percent" and inserting in lieu thereof "35 percent";
- (E) by striking out "and 65 percent in the third such year" and inserting in lieu thereof "and 50 percent in the third such year and in any such year thereafter"; and
- (2) in the second sentence, by striking out "50 percent" and inserting in lieu thereof "25 percent".

[*311]

SEC. 311. SHELTER AND RELATED ASSISTANCE.

(a) Shelter. Section 303(f) (42 U.S.C. 10402(g)) (as so redesignated by section 309) is amended --

- (1) by striking out "60 percent" and inserting in lieu thereof "70 percent"; and
- (2) by inserting before the period the following "as defined in section 309(4). Not less than 25 percent of the funds distributed under subsection (a) or (b) shall be distributed for the purpose of providing related assistance as defined under section 309(5)(A)".

(b) Definition. Paragraph (5) of section 309 (42 U.S.C. 10408(5)) is amended to read as follows:

"(5) The term 'related assistance' means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance shall include --

"(A) prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, [**204] family violence public awareness campaigns, and violence prevention counseling services to abusers;

"(B) counseling with respect to family violence, counseling by peers individually or in groups, and referral to community social services;

"(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

"(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

"(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims."

[*312]

SEC. 312. ALLOTMENT OF FUNDS.

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended --

- (1) by striking out "whichever is the greater of the following amounts: one-half of"; and
- (2) by striking out "\$ 50,000" and inserting in lieu thereof "\$ 200,000, whichever is the lessor amount".

[*313]

SEC. 313. SECRETARIAL RESPONSIBILITIES.

Section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) is amended --

- (1) by striking out "into the causes of family violence";
- (2) by inserting "most effective" before "prevention";
- (3) by striking out "and (ii)" and inserting in lieu thereof "(ii)"; and

102 P.L. 295, *313; 106 Stat. 187, **204;
1992 Enacted S. 838; 102 Enacted S. 838

(4) by inserting before "and (B)" the following: "(iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received,".

[*314]

SEC. 314. EVALUATION AND REPORT TO CONGRESS.

Section 306 (42 U.S.C. 10405) is amended --

- (1) by inserting "and every two years thereafter," after "the first time after the date of the enactment of this title,";
- (2) by striking out "assurances" and inserting in lieu thereof "documentation"; and
- (3) by striking out "303(a)(2)(F)" and inserting in lieu "303(a)(2)(B) through 303(a)(2)(F)".

[*315]

SEC. 315. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.

Section 308 (42 U.S.C. 10407) is amended to read as follows:

"SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

"(a) Purpose and Grants. --

[**205] "(1) Purpose. It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

"(2) Grants. From the amounts appropriated under this title, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed six special issue resource centers (as provided for in subsection (c)) focusing on one or more issues of concern to domestic violence victims.

"(b) National Resource Center. The national resource center established under subsection (a)(2) shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

"(c) Special Issue Resource Centers. The special issue resource centers established under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

- "(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.
- "(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.
- "(3) Child custody issues in domestic violence cases.
- "(4) The use of the self-defense plea by domestic violence victims.
- "(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.
- "(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

102 P.L. 295, *315; 106 Stat. 187, **205;
1992 Enacted S. 838; 102 Enacted S. 838

"(d) Eligibility. To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that --

"(1) focuses primarily on domestic violence;

"(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

"(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

"(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

"(e) Reporting. Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

[**206] "(f) Definition. For purposes of this section, the term 'Indian tribal agency' means an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

"(g) Regulations. Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations."

[*316]

SEC. 316. AUTHORIZATION OF APPROPRIATIONS.

Section 310 (42 U.S.C. 10409) is amended to read as follows:

"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General. There are authorized to be appropriated to carry out the provisions of sections 303 through 309 and section 313, \$ 60,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(b) Section 303 (a) and (b). Of the amounts appropriated under subsection (a) for each fiscal year, not less than 80 percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

"(c) Section 308. Of the amounts appropriated under subsection (a) for each fiscal year, 5 percent shall be used by the Secretary for making grants under section 308."

[*317]

SEC. 317. CONTRACTS AND GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 (42 U.S.C. 10410) is amended to read as follows:

"SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

"(a) In General. The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including --

"(1) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including --

102 P.L. 295, *317; 106 Stat. 187, **206;
1992 Enacted S. 838; 102 Enacted S. 838

- "(A) the inappropriateness of mutual protection orders;
- "(B) the prohibition of mediation when domestic violence is involved;
- "(C) the use of mandatory arrests of accused offenders;
- "(D) the discouragement of dual arrests;
- "(E) the adoption of aggressive and vertical prosecution policies and procedures;
- "(F) the use of mandatory requirements for presentence investigations;
- "(G) the length of time taken to prosecute cases or reach plea agreements;
- "(H) the use of plea agreements;
- "(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;
- "(J) the restitution of victims;
- "(K) the use of training and technical assistance to law enforcement and court officials and other professionals;
- [**207] "(L) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;
- "(M) the use of interstate extradition in cases of domestic violence crimes;
- "(N) the use of statewide and regional planning; and
- "(O) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;
- "(2) work with family law judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including --
- "(A) the inappropriateness of mutual protection orders;
- "(B) the prohibition of mediation where domestic violence is involved;
- "(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;
- "(D) the use of training and technical assistance for family law judges and court personnel;
- "(E) the presumption of custody to domestic violence victims;
- "(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary support and maintenance;
- "(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;
- "(H) the implementation of supervised visitations that do not endanger victims and their children; and
- "(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;
- "(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence; and
- "(4) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 303(a).

"(b) Eligibility. To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:

- "(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence in the State.
- "(2) The board membership of the coalition is representative of such programs.
- "(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.
- "(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition --
- [**208] "(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and
- "(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

102 P.L. 295, *317; 106 Stat. 187, **208;
1992 Enacted S. 838; 102 Enacted S. 838

"(c) Allotment of Funds. From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to 1/53 of the amount appropriated for such fiscal year. For purposes of this section, the term 'combined U.S. Territories' means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

"(d) Prohibition on Lobbying. No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication --

"(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

"(2) in connection with legislation or appropriations directly affecting the activities of the entity.

"(e) Reporting. Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

"(f) Definition. For purposes of this section, a State domestic violence coalition may include representatives of Indian tribes and tribal organizations, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

"(g) Authorization of Appropriations. There are authorized to be appropriated to be used to award grants under this section \$ 8,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(h) Regulations. Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing this section."

[*318]

SEC. 318. REGULATIONS.

Section 312(a) (42 U.S.C. 10409(a)) <42 USC 10412> is amended by adding at the end thereof the following new sentence:

"Not later than 90 days after the date of enactment of this sentence, the Secretary shall publish proposed regulations implementing sections 303, 308, and 314. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing such sections."

[**209] [*319]

SEC. 319. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION.

Section 313(1) (42 U.S.C. 10409(1)) is amended by striking out "characteristics relating to family violence" and inserting in lieu thereof "develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced".

[*320]

SEC. 320. <42 USC 10414> GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

The Act is amended by adding at the end thereof the following new section:

102 P.L. 295, *320; 106 Stat. 187, **209;
1992 Enacted S. 838; 102 Enacted S. 838

"SEC. 314. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

"(a) In General. The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) Application. No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) Requirements. An application submitted under subsection (b) shall --

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) Use. A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit [**210] advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) Criteria. The criteria for awarding grants shall ensure that an applicant --

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk.

"(f) For purposes of this section, the term 'public or private nonprofit entity' includes an 'Indian tribe' or 'tribal organization', as defined in section 4 of the Indian Self-Determination and Education Assistance Act."

[*321]

SEC. 321. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

The Act (as amended by section 320) is further amended by adding at the end thereof the following new section:

"SEC. 315. <42 USC 10415> MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

"(a) In General. The Secretary, in cooperation with the Attorney General, shall award grants to not more than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership

102 P.L. 295, *321; 106 Stat. 187, **210;
1992 Enacted S. 838; 102 Enacted S. 838

concerning activities that will --

- "(1) increase the number of prosecutions for domestic violence crimes;
- "(2) encourage the reporting of incidences of domestic violence; and
- "(3) facilitate 'arrests and aggressive' prosecution policies.

"(b) Designation as Model State. To be designated as a model State under subsection (a), a State shall have in effect --

"(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

"(2) a law or policy that discourages 'dual' arrests;

"(3) statewide prosecution policies that --

"(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

"(B) implement model projects that include either --

"(i) a 'no-drop' prosecution policy; or

"(ii) a vertical prosecution policy; and

"(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

"(4) statewide guidelines for judges that --

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

"(B) discourage custody or joint custody orders by spouse abusers; and

[**211] "(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute; and

"(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

"(c) Authorization of Appropriations. --

"(1) In general. In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section \$ 25,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(2) Limitation. A grant may not be made under this section in an amount less than \$ 2,000,000.

"(3) Delegation and transfer. The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section."

[*322]

SEC. 322. <42 USC 10401 note> EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

(a) General Purpose. For purposes of this section, the Secretary of Education, hereinafter referred to as the "Secretary" shall develop model programs for education of young people about domestic violence and violence among intimate partners.

(b) Nature of Program. The Secretary, in consultation with the Secretary of Health and Human Services, shall through grants or contracts develop three separate programs, one each for primary and middle schools, secondary schools, and institutions of higher education. Such model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each such group or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

102 P.L. 295, *322; 106 Stat. 187, **211;
1992 Enacted S. 838; 102 Enacted S. 838

(c) Review and Dissemination. Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) Authorization. There are authorized to be appropriated under this section for fiscal year 1992, \$ 200,000 to carry out the purposes of this section.

TITLE IV -- REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION

[*401]

SEC. 401. 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 to read as follows:

[**212] "SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

"(a) Findings. Congress finds that --

"(1) the number of children in substitute care increased by nearly 50 percent between 1985 and 1990, as our Nation's foster care population included more than 400,000 children at the end of June, 1990;

"(2) increasingly children entering foster care have complex problems which require intensive services;

"(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

"(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

"(5) many thousands of children remain in institutions or foster homes solely because of local and other barriers to their placement in permanent, adoptive homes;

"(6) the majority of such children are of school age, members of sibling groups or disabled;

"(7) currently one-half of children free for adoption and awaiting placement are minorities;

"(8) adoption may be the best alternative for assuring the healthy development of such children;

"(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and

"(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.

"(b) Purpose. It is the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by --

"(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

"(2) providing a mechanism for the Department of Health and Human Services to --

"(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

[**213] "(C) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan."

102 P.L. 295, *401; 106 Stat. 187, **213;
1992 Enacted S. 838; 102 Enacted S. 838

[*402]

SEC. 402. MODEL ADOPTION LEGISLATION AND PROCEDURES.

Section 202 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5112) is repealed.

[*403]

SEC. 403. INFORMATION AND SERVICE FUNCTIONS.

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) --

(A) by inserting ", on-site technical assistance" after "consultant services" in the second sentence;

(B) by inserting "including salaries and travel costs," after "administrative expenses," in the second sentence; and

(C) by adding at the end thereof the following new sentence: "The Secretary shall, not later than 12 months after the date of enactment of this sentence, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this title, and such reports shall be made available to the public."; and

(2) in subsection (b) --

(A) by striking out paragraph (1) and redesignating paragraph (2) as paragraph (1);

(B) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

"(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion;"

(C) in paragraph (4), by inserting before the semicolon the following: ", and to promote professional leadership training of minorities in the adoption field"; and

(D)(i) in paragraph (7), by striking "and" after the semicolon at the end;

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

"(8) maintain (directly or by grant to or contract with public or private nonprofit agencies or organizations) a National Resource Center for Special Needs Adoption to --

"(A) promote professional leadership development of minorities in the adoption field;

"(B) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

[**214] "(C) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and".

[*404]

SEC. 404. 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 --

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) There are authorized to be appropriated, \$ 10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(9) and 203(c)(1)."; and

(2) in subsection (b), by striking out "\$ 3,000,000", the first place that such appears, and all that follows through the

102 P.L. 295, *404; 106 Stat. 187, **214;
1992 Enacted S. 838; 102 Enacted S. 838

end thereof, and inserting in lieu thereof the following: "\$ 10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(b)(9), and there are authorized to be appropriated \$ 10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(c)(1).".

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.

DESCRIPTORS: CHILD ABUSE; CHILD WELFARE; DEPARTMENT OF HEALTH AND HUMAN SERVICES; ADOPTION; MINORITY GROUPS; HANDICAPPED CHILDREN; DOMESTIC VIOLENCE; FEDERAL AID TO STATES; PUBLIC WELFARE PROGRAMS