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KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002

APRIL 11, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. BOEHNER, from the Committee on Education and the Workforce, submitted the following

R E P O R T

together with

ADDITIONAL MINORITY VIEWS

[To accompany H.R. 3839]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 3839) to reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keeping Children and Families Safe Act of 2002".

TITLE I—CHILD ABUSE PREVENTION AND RELATED PROGRAMS

Subtitle A—Amendments to the Child Abuse Prevention and Treatment Act

CHAPTER 1—GENERAL PROGRAM

SEC. 101. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is repealed.

SEC. 102. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)(1)) is amended by striking "all programs, including private programs, that show promise of success" and inserting "all effective programs, including private programs, that show promise of success and the potential for broad-scale implementation and replication".

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of such Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and".

SEC. 103. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating paragraph (1)(D) as paragraph (2) (and redesignating the corresponding items contained therein accordingly) and moving such paragraph two ems to the left;

(3) in paragraph (1)—

(A) in the first sentence of the matter preceding subparagraph (A), by inserting ", including longitudinal research," after "interdisciplinary program of research";

(B) in subparagraph (B), by inserting at the end before the semicolon the following: ", including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(i) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(ii) by striking "and" at the end; and

(D) by adding at the end the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources; and

"(G) the information on the national incidence of child abuse and neglect specified in subparagraphs (A) through (K) of paragraph (2).";

(4) in paragraph (2) (as redesignated)—

(A) by striking the matter preceding subparagraph (A) (as redesignated) and inserting "The Secretary shall conduct research on the national incidence of child abuse and neglect, including—";

(B) in subparagraph (H) (as redesignated), by striking "and" at the end;

(C) by redesignating subparagraph (I) (as redesignated) as subparagraph (J); and

(D) by inserting after subparagraph (H) the following:

"(I) the incidence and prevalence of child maltreatment by reason of family structure, including the living arrangement of the resident parent, family income, and family size; and";

(5) by inserting after paragraph (2) (as redesignated) the following:

"(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).''; and

(6) in paragraph (4) (as redesignated), by amending subparagraph (B) to read as follows:

"(B) The Secretary shall, every two years, provide opportunity for public comment of such proposed priorities and provide for an official record of such public comment.".

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of such Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1), by inserting ", including replicating successful program models," after "and carrying out programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

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

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

SEC. 104. GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION PROGRAMS AND PROJECTS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in paragraph (1)—

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

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following:

"(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

"(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment; and

"(F) for the training of personnel regarding the legal duties of such personnel.";

(2) in paragraph (2), by striking "(such as Parents Anonymous)"; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "responding to reports" and inserting "addressing the prevention and treatment"; and

(II) by striking "including" and all that follows through "triage system" and inserting ", including community-based organizations, national entities, collaborative partnerships between State child protective service agencies, statewide child abuse prevention and treatment organizations, law enforcement agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health services entities, developmental disability agencies, community social service agencies, family support programs, schools, religious organizations, and other entities to allow for the establishment of a triage system"; and

(ii) in clause (iii), by striking "child's safety is in jeopardy" and inserting "child's safety and health are in jeopardy"; and

(B) by adding at the end the following:

"(D) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.".

(b) DISCRETIONARY GRANTS.—Section 105(b) of such Act (42 U.S.C. 5106(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) Programs based within children's hospitals, or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.".

(c) EVALUATION.—Section 105(c) of such Act (42 U.S.C. 5106(c)) is amended—

(1) in the second sentence, by inserting "or contract" after "or as a separate grant"; and

(2) by adding at the end the following: "In the case of an evaluation performed by the recipient of a demonstration grant, the Secretary shall make available technical assistance for the evaluation, where needed, to ensure a rigorous application of scientific evaluation techniques.".

SEC. 105. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting ", including ongoing case monitoring," after "case management"; and

(B) by inserting "and treatment" after "and delivery of services";

(2) in paragraph (4)—

(A) by striking "automation" and inserting "management information and technology"; and

(B) by adding at the end before the semicolon the following: ", including to support the ability of States to collect information for the National Child Abuse and Neglect Data System";

(3) in paragraph (5), by adding at the end before the semicolon the following: ", including training regarding best practices to promote collaboration with the families and the legal duties of such individuals";

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5) the following:

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

(6) by redesignating paragraphs (8) through (10) (as redesignated) as paragraphs (9) through (11), respectively;

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

"(8) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;";

(8) by striking "or" at the end of paragraph (10) (as redesignated);

(9) by redesignating paragraph (11) (as redesignated) as paragraph (12);

(10) by inserting after paragraph (10) the following:

"(11) promoting partnerships between public agencies and community-based organizations to provide child abuse and neglect prevention and treatment services, including linkages with education systems and health care systems (including mental health systems);";

(11) by striking the period at the end of paragraph (12) (as redesignated) and inserting a semicolon; and

(12) by adding at the end the following:

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

"(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to address the health needs of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.".

(b) ELIGIBILITY REQUIREMENTS.—

(1) STATE PLAN.—Section 106(b)(1)(B) of such Act (42 U.S.C. 5106(b)(1)(B)) is amended—

(A) by striking "provide notice to the Secretary of any substantive changes" and inserting the following: "provide notice to the Secretary of—

"(i) any substantive changes";

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

(C) by adding at the end the following:

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

(2) COORDINATION.—Section 106(b)(2)(A) of such Act (42 U.S.C. 5106a(b)(2)(A)) is amended—

(A) by redesignating clauses (ii) through (xiii) as clauses (iii) through (xiv), respectively;

(B) by inserting after clause (i) the following:

"(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

"(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

"(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;";

(C) by redesignating clauses (vi) through (xiv) (as redesignated) as clauses (vii) through (xv), respectively;

(D) by inserting after clause (v) (as redesignated) the following:

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

(E) in clause (vii)(II) (as redesignated), by striking ", having a need for such information" and all that follows through "abuse and neglect" and inserting "as described in clause (vi)";

(F) in clause (xiii) (as redesignated), by striking "to be effective not later than 2 years after the date of the enactment of this section";

(G) in clause (xiv) (as redesignated)—

(i) in the matter preceding subclause (I), by striking "to be effective not later than 2 years after the date of the enactment of this section"; and

(ii) in subclause (IV), by striking "and" at the end;

(H) in clause (xv) (as redesignated), by striking "clause (xii)" each place it appears and inserting "clause (xiv)"; and

(I) by adding at the end the following:

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

"(xvii) provisions addressing the training of representatives of the child protective services system regarding their legal duties, which may consist of procedures to inform such representatives of such duties, in order to protect the legal rights of children and families from the initial time of contact during the investigation through treatment;

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

"(xix) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the

Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act.".

(3) LIMITATION.—Section 106(b)(3) of such Act (42 U.S.C. 5106a(b)(3)) is amended by striking "With regard to clauses (v) and (vi) of paragraph (2)(A)" and inserting "With regard to clauses (vi) and (vii) of paragraph (2)(A)".

(c) CITIZEN REVIEW PANELS; REPORTS.—Section 106(c) of such Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking "policies and procedures" and inserting "policies, procedures, and practices"; and

(B) by adding at the end the following:

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

(2) in paragraph (6), by inserting "State and" before "public".

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of such Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

"(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

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

SEC. 106. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

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

(3) by adding at the end the following:

"(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.".

SEC. 107. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

"(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.".

SEC. 108. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

"(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

"(1) STUDY.—The Secretary shall conduct a study by random sample on the effectiveness of the citizen review panels established under section 106(c).

"(2) REPORT.—Not later than 3 years after the date of the enactment of Keeping Children and Families Safe Act of 2002, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).".

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

"(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.".

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of such Act (42 U.S.C. 5106h(a)(2)(B)) is amended by striking "Secretary make" and inserting "Secretary shall make".

CHAPTER 2—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

SEC. 111. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended—

(1) by striking "prevention-focused,"; and

(2) by inserting "for the prevention of child abuse and neglect" after "family resource and support programs".

(b) AUTHORITY.—Section 201(b) of such Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

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

(i) by striking "prevention-focused,"; and

(ii) by striking "family resource and support programs" and inserting "family support programs for the prevention of child abuse and neglect";

(B) in subparagraph (F), by striking "and" at the end; and

(C) by striking subparagraph (G) and inserting the following:

"(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups;

"(H) provide referrals to early health and developmental services; or

"(I) are accessible, effective, culturally appropriate, developmentally appropriate, and built upon existing strengths;"; and

(2) in paragraph (4)—

(A) by inserting "through leveraging of funds" after "maximizing funding";

(B) by striking "prevention-focused,"; and

(C) by striking "family resource and support program" and inserting "family support programs for the prevention of child abuse and neglect".

SEC. 112. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "prevention-focused,";

(ii) by striking "family resource and support programs," and inserting "family support programs for the prevention of"; and

(iii) by striking "prevention activities"; and

(B) in subparagraph (B), by inserting "that exists to strengthen and support families for purposes of preventing child abuse and neglect and" after "written authority of the State)";

(2) in paragraph (2)(A)—

(A) by striking "family resource and support programs" and inserting "family support programs for the prevention of child abuse and neglect"; and

(B) by adding at the end before the semicolon the following: "and parents with disabilities"; and

(3) in paragraph (3)—

(A) by striking "prevention-focused," each place it appears;

(B) by striking "family resource and support programs" each place it appears and inserting "family support programs for the prevention of child abuse and neglect";

(C) in subparagraph (C), by striking "and technical assistance," and inserting ", technical assistance, and evaluation assistance"; and

(D) in subparagraph (D), by inserting ", parents with disabilities," after "children with disabilities".

SEC. 113. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking "as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the" and inserting "as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated"; and

(2) by striking "the lead agency" and inserting "the current lead agency".

SEC. 114. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 115. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraphs (1), (2), (4), (8), and (9)—

(A) by striking "prevention-focused," each place it appears; and

(B) by striking "family resource and support programs" each place it appears and inserting "family support programs for the prevention of child abuse and neglect";

(2) in paragraph (2), by striking "family resource and support services" and inserting "family support services";

(3) in paragraph (3)—

(A) by striking "an assurance that an inventory of" and inserting "a description of the inventory of current unmet needs,";

(B) by striking "family resource programs" and inserting "family support programs";

(C) by striking ", respite care, child abuse and neglect prevention activities," and inserting "for the prevention of child abuse and neglect, including respite care"; and

(D) by striking ", will be provided";

(4) in paragraph (5)—

(A) by inserting "start-up, maintenance, expansion, and redesigning" after "other State and local public funds designated for";

(B) by striking "prevention-focused,"; and

(C) by striking "family resource and support programs" and inserting "family support programs for the prevention of child abuse and neglect";

(5) in paragraph (7), by striking "individual community-based, prevention-focused, family resource and support programs" and inserting "child abuse and neglect prevention programs that are community-based, including family support programs"; and

(6) in paragraph (11)—

(A) by striking "prevention-focused,"; and

(B) by striking "family resource and support program services" and inserting "family support program services for the prevention of child abuse and neglect".

SEC. 116. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ", network," after "expand";

(B) by striking "prevention-focused,"; and

(C) by striking "family resource and support programs" and inserting "family support programs for the prevention of child abuse and neglect";

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by striking "family resource and support services" and inserting "family support services for the prevention of child abuse and neglect";

(B) in clause (iii), by striking "and" at the end; and

(C) by adding at the end the following:

"(v) respite care;

"(vi) home visiting; and

"(vii) family support services;"; and

(3) in paragraph (6)—

(A) by striking "prevention-focused,"; and

(B) by striking "family resource and support program" and inserting "family support programs for the prevention of child abuse and neglect".

SEC. 117. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1)—

(A) by striking "prevention-focused,"; and

(B) by striking "family resource and support programs" and inserting "family support programs for the prevention of child abuse and neglect";

(2) in paragraph (2), by striking ", including" and all that follows through "section 202" and inserting ", such as the services described in section 206(a)(3)(A)";

(3) in paragraph (3), by striking "of new respite care and other specific new family resources services, and the expansion of existing services," and inserting "and the maintenance, enhancement, or expansion of existing services such as those described in section 206(a)(3)(A),"; and

(4) in paragraph (4)—

(A) by inserting "and parents with disabilities," after "children with disabilities,";

(B) by striking "evaluation of" the first place it appears and all that follows through "under this title" and inserting "evaluation of community-based child abuse and neglect prevention programs"; and

(5) in paragraphs (5), (6), and (8)—

(A) by striking "prevention-focused," each place it appears; and

(B) by striking "family resource and support programs" each place it appears and inserting "family support programs for the prevention of child abuse and neglect".

SEC. 118. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended—

(1) by striking "prevention-focused,"; and

(2) by striking "family resource and support programs" and inserting "family support programs for the prevention of child abuse and neglect".

SEC. 119. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking "given such term in section 602(a)(2)" and inserting "given the term 'child with a disability' in section 602(3)".

(b) FAMILY RESOURCE AND SUPPORT PROGRAM.—Section 209(3) of such Act (42 U.S.C. 5116h(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ", prevention-focused";

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "core services" and inserting "core child abuse and neglect prevention services";

(B) in clause (i)—

(i) by striking ", together with services";

(ii) by striking "equality and respect, and" and inserting "equality and respect that are"; and

(iii) by inserting at the end before the semicolon the following: "in order to prevent child abuse and neglect"; and

(C) in clause (ii), by striking "to one another" and inserting "for support of one another"; and

(3) in subparagraph (C)(iii), by striking "scholastic" and inserting "academic".

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.".

CHAPTER 3—TECHNICAL AND CONFORMING AMENDMENTS; REDESIGNATIONS

SEC. 121. TECHNICAL AND CONFORMING AMENDMENTS.

(a) FINDINGS.—Section 2(3)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by striking "ensures properly trained and support staff with specialized knowledge," and inserting "ensures staff have proper training and specialized knowledge".

(b) TITLE I.—Title I of such Act (42 U.S.C. 5101 et seq.) is amended as follows:

(1) In section 104(d)(1), by striking "federal agencies" and inserting "Federal agencies".

(2) In section 105(b), in the matter preceding paragraph (1), by striking "subsection (b)" and inserting "subsection (a)".

(3) In section 106(b)(2)—

(A) in subparagraph (A), by striking "Statewide program" and inserting "statewide program"; and

(B) in subparagraph (B)(iii), by striking "life threatening" and inserting "life-threatening".

(4) In section 107(e)(1)(B), by striking "improve the rate" and all that follows through "child sexual abuse cases" and inserting 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".

(5) By redesignating sections 103 through 113 as sections 102 through 112, respectively.

(c) TITLE II.—Title II of such Act (42 U.S.C. 5116 et seq.) is amended as follows:

(1) In paragraphs (1) and (4) of section 201(b), paragraphs (1)(A), (3)(A), (3)(B), and (3)(C) of section 202, paragraphs (1) and (5) of section 205, section 206(a)(6), paragraphs (1) and (6) of section 207, and section 208(3), by striking "Statewide" each place it appears and inserting "statewide".

(2) In section 205, by redesignating paragraph (13) as paragraph (12).

(3) In section 207(8), by striking "community based" and inserting "community-based".

(4) By redesignating sections 205 through 210 as sections 204 through 209, respectively.

SEC. 122. REDESIGNATIONS.

(a) REDESIGNATIONS.—

(1) TITLE I.—(A) Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by striking the heading for such title and inserting the following:

"Subtitle A—General Program".

(B) Sections 101 through 112 of such Act (as redesignated) are further redesignated as sections 111 through 122, respectively.

(2) TITLE II.—(A) Title II of such Act is amended by striking the heading for such title and inserting the following:

"Subtitle B—Community–Based Family Support Grants for the Prevention of Child Abuse and Neglect".

(B) Sections 201 through 209 of such Act (as redesignated) are further redesignated as sections 131 through 139, respectively.

(b) CONFORMING AMENDMENTS.—

(1) TITLE HEADING.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting before section 1 the following:

"TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT".

(2) SHORT TITLE; TABLE OF CONTENTS; FINDINGS.—(A) Section 1 of such Act (42 U.S.C. 5101 note) is amended to read as follows:

"SEC. 101. SHORT TITLE.

"This title may be cited as the 'Child Abuse Prevention and Treatment Act'.".

(B) Section 2 of such Act (42 U.S.C. 5101 note) is redesignated as section 102.

(3) SUBTITLE A.—Subtitle A of title I of such Act (as redesignated by subsection (a)(1)) is amended as follows:

(A) In section 111(b) (as redesignated), by striking "this Act" and inserting "this title" in the first sentence.

(B) In section 112(c)(1)(E) (as redesignated), by striking "section 105(a)" and inserting "section 113(a)".

(C) In section 113(b)(2)(C) (as redesignated), by striking "titles I and II" and inserting "this subtitle and subtitle B".

(D) In section 115(b)(2)(A)(vii) (as redesignated), by striking "Act" and inserting "title".

(E) In section 116(b)(1) (as redesignated), by striking "section 107(b)" and inserting "section 115(b)".

(F) In section 117 (as redesignated), by striking "this Act" each place it appears and inserting "this title".

(G) In section 118 (as redesignated), by striking "this Act" and inserting "this title".

(H) In section 119(b) (as redesignated), by striking "section 107" and inserting "section 116".

(I) In section 120 (as redesignated), by striking "this title" and inserting "this subtitle".

(J) In section 121 (as redesignated)—

(i) by striking "this title" each place it appears and inserting "this subtitle"; and

(ii) in subsection (a)(2)(B), by striking "section 106" and inserting "section 115".

(K) In section 122(a) (as redesignated), by striking "this Act" and inserting "this title".

(4) SUBTITLE B.—Subtitle B of title I of such Act (as redesignated by subsection (a)(2)) is amended as follows:

(A) In section 131 (as redesignated)—

(i) by striking "this title" each place it appears and inserting "this subtitle"; and

(ii) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking "section 202(1)" and inserting "section 132(1)"; and

(II) in paragraph (3), by striking "section 205(a)(3)" and inserting "section 134(a)(3)".

(B) In section 132 (as redesignated)—

(i) by striking "this title" each place it appears and inserting "this subtitle"; and

(ii) in paragraph (1)(D) by striking "such title" and inserting "such subtitle".

(C) In section 133 (as redesignated), by striking "section 210" each place it appears and inserting "section 139".

(D) In section 134 (as redesignated)—

(i) by striking "this title" each place it appears and inserting "this subtitle";

(ii) by striking "section 202" each place it appears and inserting "section 132"; and

(iii) in paragraph (2), by striking "this Act" and inserting "this title".

(E) In section 135 (as redesignated), by striking "this title" each place it appears and inserting "this subtitle".

(F) In section 136 (as redesignated)—

(i) by striking "this title" each place it appears and inserting "this subtitle";

(ii) in paragraph (2), by striking "section 206(a)(3)(A)" and inserting "section 135(a)(3)(A)"; and

(iii) in paragraph (3)—

(I) by striking "section 206(a)(3)(A)" and inserting "section 135(a)(3)(A)"; and

(II) by striking "section 205(3)" and inserting "section 134(3)".

(G) In section 139 (as redesignated), by striking "this title" and inserting "this subtitle".

Subtitle B—Amendments to Other Child Abuse Prevention and Related Programs

CHAPTER 1—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

SEC. 131. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

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

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by striking "increasingly"; and

(B) by striking "which" and inserting "that";

(3) by amending paragraph (3) to read as follows:

"(3) many such children have special needs because they are born to mothers who did not receive prenatal care, are born with life-threatening conditions or disabilities, are born addicted to alcohol and other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;";

(4) in paragraph (4)—

(A) by striking "the welfare of" and inserting "each year,"; and
(B) by striking "in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children";
(5) in paragraph (5), by striking "thousands of";
(6) by striking paragraph (6);
(7) in paragraph (7)—
(A) in subparagraph (A)—
(i) by striking "40,000";
(ii) by inserting "of all races and ages" after "children"; and
(iii) by adding "and" at the end;
(B) in subparagraph (B), by striking "and" at the end; and
(C) by striking subparagraph (C); and
(8) by redesignating paragraphs (2), (3), (4), (5), (7), (8), (9), and (10) as paragraphs (1) through (8), respectively.

SEC. 132. 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) by striking the section heading and inserting the following:

"SEC. 203. INFORMATION AND SERVICES.";

(2) by striking "SEC. 203. (a) The Secretary" and inserting the following:
"(a) IN GENERAL.—The Secretary";
(3) in subsection (b), by inserting "REQUIRED ACTIVITIES.—" after "(b)";
(4) in subsection (c)—
(A) by striking "(c)(1) The Secretary" and inserting the following:
"(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—
"(1) IN GENERAL.—The Secretary";
(B) by striking "(2) Services" and inserting the following:
"(2) SERVICES.—Services"; and
(C) in paragraph (2)—
(i) by moving subparagraphs (A) through (G) 2 ems to the right;
(ii) in subparagraph (F), by striking "and" at the end;
(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and
(iv) by adding at the end the following:
"(H) day treatment; and
"(I) respite care."; and
(5) in subsection (d)—
(A) in paragraph (1), by striking "component which" and inserting "component that";
(B) by striking "(d)(1) The Secretary" and inserting the following:
"(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—
"(1) IN GENERAL.—The Secretary";
(C) by striking "(2)(A) Each State" and inserting the following:
"(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—
"(A) APPLICATIONS.—Each State";
(D) by striking "(B) The Secretary" and inserting the following:
"(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary";
(E) in paragraph (2)(B), by moving clauses (i) and (ii) 4 ems to the right;
(F) by striking "(3)(A) Payments" and inserting the following:
"(3) PAYMENTS.—
"(A) IN GENERAL.—Payments"; and
(G) by striking "(B) Any payment" and inserting the following:
"(B) REVERSION OF UNUSED FUNDS.—Any payment".

SEC. 133. STUDY AND REPORT ON DYNAMICS OF SUCCESSFUL ADOPTION.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended to read as follows:

"SEC. 204. STUDY AND REPORT ON DYNAMICS OF SUCCESSFUL ADOPTION.

"The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002.".

SEC. 134. 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 the section heading and inserting the following:

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.";

(2) by striking "SEC. 205.";

(3) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated $40,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007 to carry out programs and activities authorized under this subtitle."; and

(4) in subsection (b), by inserting "AVAILABILITY.—" after "(b)".

SEC. 135. TRANSFER AND REDESIGNATIONS; CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.)—

(1) is amended by striking the title heading;

(2) is transferred to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by subtitle A of this title; and

(3) is redesignated as subtitle A of title II of such Act.

(b) CONFORMING AMENDMENTS.—

(1) TITLE AND SUBTITLE HEADINGS; SHORT TITLE.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended, is further amended—

(A) by redesignating section 201 as section 202; and

(B) by inserting after title I of such Act the following:

"TITLE II—OTHER CHILD ABUSE PREVENTION AND RELATED PROGRAMS

"Subtitle A—Adoption Opportunities

"SEC. 201. SHORT TITLE.

"This subtitle may be cited as the 'Adoption Opportunities Act of 2002'.".

(2) TITLE REFERENCES.—Subtitle A of title II of such Act is amended by striking "this title" each place such term appears and inserting "this subtitle".

CHAPTER 2—ABANDONED INFANTS ASSISTANCE ACT OF 1988

SEC. 141. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting "studies indicate that a number of factors contribute to" before "the inability of";

(B) by inserting "some" after "inability of";

(C) by striking "who abuse drugs"; and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by amending paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly know as 'AIDS'), and those who have been exposed to dangerous drugs;";

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting "by parents abusing drugs," after "deficiency syndrome,";

(6) in paragraph (9), by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and";

(7) by striking paragraph (10);

(8) by amending paragraph (11) to read as follows:

"(11) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources."; and

(9) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (11) as paragraphs (1) through (7), respectively.

SEC. 142. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS."; and

(2) by amending subsection (b) to read as follows:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

"(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

"(2) have been perinatally exposed to a dangerous drug.".

SEC. 143. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

"(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

"(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

"(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

"(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found dead in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

"(B) an estimate of the annual number of infants and young children who are victims of homicide;

"(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

"(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

"(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

"(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.".

SEC. 144. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—For the purpose of carrying out this subtitle, there are authorized to be appropriated $45,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

"(2) LIMITATION.—Not more than 5 percent of the amounts appropriate under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).";

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting "AUTHORIZATION.—" after "(1)"; and

(ii) by striking "this title" and inserting "this subtitle"; and

(B) in paragraph (2)—

(i) by inserting "LIMITATION.—" after "(2)"; and

(ii) by striking "fiscal year 1991." and inserting "fiscal year 2002."; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 145. OTHER TECHNICAL AND CONFORMING AMENDMENTS; TRANSFER AND REDESIGNATIONS.

(a) TECHNICAL AMENDMENTS.—

(1) STRIKING TITLES; CONSOLIDATING DEFINITIONS.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(A) by striking the title heading for title I;

(B) by striking titles II and III; and

(C) by amending section 103 to read as follows:

"SEC. 103. DEFINITIONS.

"For purposes of this subtitle:

"(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

"(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

"(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

"(5) The term 'Secretary' means the Secretary of Health and Human Services.".

(2) ESTABLISHMENT OF LOCAL PROGRAMS.—Section 101(d) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(A) in paragraph (1)—

(i) by striking "(1) The Secretary" and inserting "(1) IN GENERAL.—The Secretary"; and

(ii) in subparagraph (D), by striking "during the majority of the 180-day period preceding the date of the enactment of this Act," and inserting "during the majority of the 180-day period preceding the date of the enactment of the Keeping Children and Families Safe Act of 2002,"; and

(B) in paragraph (2), by striking "(2) Subject" and inserting "(2) DURATION OF GRANTS.—Subject".

(b) TRANSFER AND REDESIGNATIONS.—

(1) IN GENERAL.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note)—

(A) is amended by striking section 1;

(B) is transferred to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended; and

(C) is redesignated as subtitle B of title II of such Act.

(2) CONFORMING AMENDMENTS.—

(A) SUBTITLE HEADING; SHORT TITLE.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after subtitle A of such title the following:

"Subtitle B—Abandoned Infants Assistance

"SEC. 221. SHORT TITLE.

"This subtitle may be cited as the 'Abandoned Infants Assistance Act of 2002'.".

(B) REDESIGNATIONS.—Subtitle B of title II of such Act is amended by redesignating sections 2, 101, 102, 103, and 104 as sections 222 through 226, respectively.

(C) DOMESTIC VOLUNTEER SERVICE.—Section 421(7) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061(7)) is amended by striking "section 103 of the Abandoned Infants Assistance Act of 1988 (Public Law 100–

505; 42 U.S.C. 670 note);" and inserting "section 225(1) of the Abandoned Infants Assistance Act of 2002;".

Subtitle C—Technical and Conforming Amendments

SEC. 151. SHORT TITLE; TABLE OF CONTENTS.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by subtitles A and B, is further amended by inserting before title I the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Keeping Children and Families Safe Act'.

"(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

"Sec. 101. Short title.
"Sec. 102. Findings.

"Subtitle A—General Program

"Sec. 111. Office on Child Abuse and Neglect.
"Sec. 112. National clearinghouse for information relating to child abuse.
"Sec. 113. Research and assistance activities.
"Sec. 114. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.
"Sec. 115. Grants to States for child abuse and neglect prevention and treatment programs.
"Sec. 116. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
"Sec. 117. Miscellaneous requirements relating to assistance.
"Sec. 118. Coordination of child abuse and neglect programs.
"Sec. 119. Reports.
"Sec. 120. Definitions.
"Sec. 121. Authorization of appropriations.
"Sec. 122. Rule of construction.

"Subtitle B—Community-Based Family Support Grants for the Prevention of Child Abuse and Neglect

"Sec. 131. Purpose and authority.
"Sec. 132. Eligibility.
"Sec. 133. Amount of grant.
"Sec. 134. Application.
"Sec. 135. Local program requirements.
"Sec. 136. Performance measures.
"Sec. 137. National network for community-based family resource programs.
"Sec. 138. Definitions.
"Sec. 139. Authorization of appropriations.

"TITLE II—OTHER CHILD ABUSE PREVENTION AND RELATED PROGRAMS

"Subtitle A—Adoption Opportunities

"Sec. 201. Short title.
"Sec. 202. Congressional findings and declaration of purpose.
"Sec. 203. Information and services.
"Sec. 204. Study and report on dynamics of successful adoption.
"Sec. 205. Authorization of appropriations.

"Subtitle B—Abandoned Infants Assistance

"Sec. 221. Short title.
"Sec. 222. Findings.
"Sec. 223. Establishment of local programs.
"Sec. 224. Evaluations, study, and reports by secretary.
"Sec. 225. Definitions.
"Sec. 226. Authorization of appropriations.".

TITLE II—AMENDMENTS TO FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. STATE DEMONSTRATION GRANTS AUTHORIZED.

(a) STATE ADMINISTRATIVE COSTS.—Section 303(a)(2)(B)(i) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(B)(i)) is amended by striking "5 percent" and inserting "2 percent".

(b) INDIAN TRIBES AND RELATED ORGANIZATIONS.—Section 303(b)(1) of such Act (42 U.S.C. 10402(b)(1)) is amended by adding at the end the following: "Not more than 2 percent of amounts made available for a fiscal year to make grants under

the preceding sentence may be used for administrative costs with respect to such grants.".

SEC. 202. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking "Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter," and inserting "Every two years".

SEC. 203. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $175,000,000 for each of the fiscal years 2003 through 2007.".

(b) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

"(g) FUNDING.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section.".

SEC. 205. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 206. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) DURATION.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking "A grant" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant"; and

(2) by adding at the end the following:

"(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

"(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

"(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2003 through 2007".

SEC. 207. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2003 through 2007.".

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 208. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking "fiscal year 2001" and inserting "each of the fiscal years 2003 through 2007".

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended as follows:

(1) In section 302(1) by striking "demonstrate the effectiveness of assisting" and inserting "assist".

(2) In section 303(a) is amended—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking "State domestic violence coalitions knowledgeable individuals and interested organizations" and in-

serting "State domestic violence coalitions, knowledgeable individuals, and interested organizations"; and

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

(B) by moving the margin of paragraph (4) two ems to the left.

(3) In section 305(b)(2)(A) by striking "provide for research, and into" and inserting "provide for research into".

(4) In section 311(a)—

(A) in paragraph (2)(K), by striking "other criminal justice professionals,;" and inserting "other criminal justice professionals;" and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "family law judges,," and inserting "family law judges,";

(ii) in subparagraph (D), by inserting ", criminal court judges," after "family law judges"; and

(iii) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children" and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children".

(5) In section 313(1) by striking "on the individual develop data".

(6) In section 315(b)(3)(A) by striking "and" at the end.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 2002, or the date of the enactment of this Act, whichever occurs later.

PURPOSE

The purpose of H.R. 3839, the Keeping Children and Families Safe Act of 2002, is to reauthorize and make amendments to the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA). The bill is aimed at preventing child abuse and family violence and protecting and treating abused and neglected children and victims of family violence. The bill also focuses on maintaining local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to child abandonment.

COMMITTEE ACTION

HEARINGS

The Subcommittee on Select Education held two hearings in Washington, D.C., during the first session of the 107th Congress to review and hear comments on the reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA).

The first hearing was held on August 2, 2001, "CAPTA: Successes and Failures at Preventing Child Abuse and Neglect." The purpose of the hearing was to review how CAPTA had been implemented and administered since the 1996 reauthorization, and to examine what had or had not worked in the prevention of child abuse and neglect.

The second hearing was held on October 17, 2001, "Prevention and Treatment of Child Abuse and Neglect: Policy Directions for the Future." The purpose of the hearing was to more closely examine the issues and topics that arose during the first hearing in

order to help the Subcommittee learn more about such issues as it began the reauthorization process.

LEGISLATIVE ACTION

On March 5, 2002, Representative Pete Hoekstra (R–MI) introduced H.R. 3839, the Keeping Children and Families Safe Act of 2002. H.R. 3839 reauthorizes and makes amendments to CAPTA, the Adoption Opportunities program, the Abandoned Infants Assistance Act, and FVPSA. H.R. 3839 was drafted on the basis of hearings, the recommendations of the Administration, the recommendations of the child abuse and family violence coalitions and community, and the recommendations of groups representing the interests of families.

The Subcommittee on Select Education considered H.R. 3839 in legislative session on March 6, 2002 during which three amendments were considered and adopted by voice vote. The Subcommittee on Select Education, with the majority of the Subcommittee present, favorably reported H.R. 3839, as amended, to the Full Committee by voice vote on March 6, 2002. The following is a description of the amendments adopted to H.R. 3839 during Subcommittee consideration:

- Mr. Hoekstra (R–MI) offered an amendment to improve upon the language in the introduced bill to require states to have provisions and procedures in place to require child protective services personnel to advise individuals subject to a child abuse and neglect investigation of the allegations before them consistent with the law protecting the rights of the informant.
- Ms. Davis (D–CA) offered an amendment to provide for a Sense of Congress that entities receiving CAPTA funding should ensure that limited English proficient children and families participating in CAPTA programs are provided materials and services under such programs in an appropriate language other than English.
- Mr. Greenwood (R–PA) offered an amendment to require states to have policies and procedures in place to address the needs of infants born with fetal alcohol syndrome or neonatal abstinence syndrome. States must require health care providers involved in the delivery of such infants to notify the child protective services system and develop a plan to address the needs of such infant and mother.

The Committee on Education and the Workforce considered H.R. 3839 in legislative session on March 20, 2002, during which the Committee considered and passed an amendment in the Nature of a Substitute by voice vote. The Committee on Education and the Workforce, with the majority of the Committee present, favorably reported H.R. 3839, as amended, to the House of Representatives by voice vote on March 20, 2002.

SUMMARY

TITLE I—CHILD ABUSE PREVENTION AND RELATED PROGRAMS

Subtitle A—Amendments to the Child Abuse Prevention and Treatment Act

Chapter 1—General program

Chapter 1 of H.R. 3839 extends and modifies Title 1 of the Child Abuse Prevention and Treatment Act (CAPTA). Title I authorizes: grants to states to help states support their child protective services systems and requires states to submit certain data to the Department of Health and Human Services (HHS); funding for research and demonstration projects related to prevention of child abuse and neglect; grants to states to improve investigation and prosecution of child maltreatment; and authorizes HHS to operate a national clearinghouse of information related to child abuse and neglect. The bill makes clarifying and technical corrections; promotes partnerships between child protective services and private and community-based organizations to provide child abuse and neglect prevention and treatment services; requires the Secretary of HHS to conduct a study on the effectiveness of citizen review panels; requires states to provide for the development of a plan to address the needs of infants harmed by prenatal alcohol or drug exposure; instructs HHS to conduct the fourth National Incidence Study (NIS–4); and promotes the protection of individual rights by improving the training, recruitment and retention of child protective services personnel regarding their legal authority. It also requires such personnel to inform individuals of the allegations or complaints made against them. The bill also improves public education on the role of the child protection system and appropriate reporting of suspected incidents of child abuse and neglect to reduce the number of false or malicious allegations.

Title I is currently authorized at such sums. Title I State Grants received $22 million for FY 2002 and Discretionary Grants received $26 million for FY 2002. The bill authorizes Title I at $120 million for FY 2003 and such sums for FY 2004 through 2007.

Chapter 2—Community-based family resource and support grants

Chapter 2 of H.R. 3839 extends and modifies Title II of CAPTA. Title II authorizes grants to help establish and operate statewide networks of community-based, family support programs for the prevention of child abuse and neglect that coordinate a wide variety of resources within each state. The bill makes clarifying and technical changes to emphasize the prevention of child abuse and neglect before it occurs; promotes parent leadership to ensure that new parents receive appropriate parenting services, including parents of children with disabilities and parents with disabilities; and includes respite care, home visit and family support services as core family support programs for improving local programs in preventing child abuse and neglect.

Title II is currently authorized at such sums. Community-based grants received $33 million for FY 2002. The bill authorizes $80 million for FY 2003 and such sums for FY 2004 through 2007.

Subtitle B—Amendments to other child abuse prevention and related programs

Chapter 1—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978

Chapter 1 of Subtitle B of H.R. 3839 extends and modifies Title II of the Child Abuse Prevention and Treatment and Reform Act of 1978 that authorizes the Adoption Opportunities program. The Adoption Opportunities program authorizes HHS to award funds to states and local public and private nonprofit agencies to promote quality standards for adoption services; pre-placement, post-placement, and post-legal adoption counseling, and standards to protect children's rights; maintain a national adoption information exchange system and conduct national recruitment efforts to reach prospective adoptive parents; and to assist state efforts for increasing the placement of foster care children legally free for adoption. The bill makes minor changes and requires the Secretary of HHS to conduct a study on the dynamics on successful adoptions.

The Adoption Opportunities program is currently authorized at such sums. It received $27 million for FY 2002. The bill authorizes $40 million for FY 2003 and such sums for FY 2004 through 2007.

Chapter 2—Abandoned Infants Assistance Act of 1988

Chapter 2 of Subtitle B of H.R. 3839 extends and modifies the Abandoned Infants Assistance Act of 1988. The Abandoned Infants Assistance Act authorizes local programs (formerly called demonstration grants) to public and private nonprofit agencies for such activities as preventing the abandonment of infants; identifying and addressing the needs of abandoned infants; recruiting and training foster families for abandoned children; providing residential care for infants and young children who cannot live with their families or be placed in foster care; providing respite care for families and foster families; and recruiting and training health and social services personnel to work with abandoned children. The bill amends one of the priorities for provisions of services to local programs serving abandoned infants and young children who were perinatally exposed to HIV or are HIV-infected, or have a life-threatening illness or other special needs. The bill also requires the Secretary to conduct a study on the annual number of infants and young children who are victims of homicide; characteristics and demographics of parents who have abandoned an infant; and an estimate of the annual costs incurred by the federal government and by state and local governments in providing for the care of abandoned infants.

The Abandoned Infants Assistance Act is currently authorized at such sums. It received $12 million for FY 2002. The bill authorizes $45 million for FY 2003 and such sums for FY 2004 through 2007.

TITLE II—AMENDMENTS TO FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Title II of H.R. 3839 reauthorizes and amends the Family Violence Prevention and Services Act (FVPSA). FVPSA authorizes assistance to states, Tribes and Tribal organizations to assist in efforts to increase public awareness about family violence and provide immediate shelter and related assistance to victims of family

violence and their dependents. FVPSA was reauthorized with the Violence Against Women Act during the 106th Congress, however only a straight five year authorization was agreed to with no specific changes to the act. The bill makes minor and technical changes to the act and extends the reauthorization to coordinate with the reauthorization of CAPTA and its' related programs and act. The bill also extends the authorization for the transitional housing assistance program that awards grants to entities to provide transitional housing or housing assistance to victims and their dependents fleeing a domestic violence situation and for whom emergency shelter services are unavailable or insufficient.

Currently $175 million is authorized for state demonstration grants, technical assistance centers and state domestic violence coalitions through FY 2005. The national domestic hotline is authorized at $2 million through FY 2005, the community initiative grants are authorized at $6 million through FY 2005, and the transitional housing assistance program is authorized at $25 million for FY 2001.

FVPSA received $2 million for its Domestic Violence Hotline program and $125 million for state demonstration grants, technical assistance centers and state domestic violence coalitions (including Battered Women's Shelters) for FY 2002. The community initiative grants received $5.9 million for FY 2002. The transitional housing assistance program did not receive funding.

COMMITTEE VIEWS

According to the most recent Child Maltreatment Report, each year an estimated 3 million reports of possible child maltreatment are made to child protective services. Approximately 60 percent of these reports were investigated and 826,000 children were estimated to have been victims of child abuse or neglect in 1999. Of these victims, 58 percent suffered neglect, 21 percent suffered physical abuse and 11 percent were sexually abused.

While the overall number of confirmed cases represents a continuation of a downward trend since 1993, the long-term trend in child abuse reporting has been one of substantial growth, with the number of maltreatment reports more than quadrupling since 1976. However, it should be noted that increased reporting does not necessarily mean an equivalent increase in actual cases of abuse and neglect. The number of reported child abuse cases is likely higher due to improved reporting mechanisms and greater awareness of the problem of child abuse and neglect. Despite progress made in promoting child abuse awareness, and the endless efforts made to prevent child abuse and neglect, much more work is needed to prevent and treat child abuse and neglect.

Family violence also continues to be the most common, yet least reported, crime in our nation. Approximately, 95 percent of family violence victims are women, and it is estimated that every 11 seconds a woman is battered in the United States. It is also estimated that 70 percent of men who abuse their wives also abuse their children, and children from abusive homes are at greater risk of alcohol or drug abuse, juvenile delinquency, and depression and suicide.

In addition, caseworker training, supervision and case management continue to be important areas of improvement for child pro-

tective services systems. Research has shown that child abuse caseworkers lack adequate resources and are often in charge of more cases than they can realistically handle. Caseworker skill, training, and workload are critical components to delivery of appropriate investigations, prevention and intervention, treatment services, and case management.

The Child Abuse Prevention and Treatment Act (CAPTA) was established in 1974 to create a focal point within the federal government to identify and address the issues of child abuse and neglect, and to support effective methods of prevention and treatment. CAPTA was last reauthorized in 1996 and expired at the end of fiscal year 2001.

The last reauthorization in 1996 made significant changes to CAPTA to better target federal abuse and neglect prevention resources, enhance the ability of states to respond to actual cases of abuse and neglect, and to consolidate and coordinate federal data collection efforts in order to gain a better perspective on the trends of child abuse and neglect and find effective methods of prevention and treatment efforts. H.R. 3839 builds upon the reforms made during the 1996 reauthorization to improve program implementation and make improvements to current law to ensure that states have the necessary resources and flexibility to properly address issues of child abuse and neglect and family violence. The changes in H.R. 3839 also serve to assist states in improving their child protective services systems and enhance the federal government's role in providing support for the child protective services system infrastructure to correct any imbalance in the federal government's response to child abuse and neglect.

Promoting improved services

One recurring theme the Subcommittee heard during the hearings on CAPTA was the need to expand upon current law activities of the child protective services system and the need to ensure that states have the necessary resources and data to address the issues of child abuse and neglect. Currently, CAPTA requires the Department of Health and Human Services (HHS) to conduct an interdisciplinary research program to provide information that could improve child protection and the well being of children who have been abused or neglected. HHS is also required to operate a national clearinghouse for information on child abuse and neglect. Both of these resources provide states with important data to assist them in addressing the issues of child abuse and neglect.

In order to build upon existing data and focus research on more current topics, the Committee made several modifications to current law. These changes promote the collection and dissemination of information to help all states improve upon their current systems. H.R. 3839 requires the national clearinghouse to collect and disseminate information that describes the best practices being used throughout the nation for making appropriate referrals. The bill also requires the Secretary to conduct research on a variety of topics, including state child protective services systems improvement, effective approaches to interagency collaboration between the child protective services system and the juvenile justice system, and redundancies and gaps in services in the field of child abuse

and neglect prevention in order to make better use of limited federal resources.

CAPTA also currently permits the Secretary to conduct time-limited demonstration programs and projects for such matters as training professional and paraprofessional staff, recruiting and training of volunteers, and establishing resource centers for providing information and training related to child abuse and neglect. H.R. 3839 expands these opportunities to include training to support the enhancement of linkages between child protective service agencies and health care agencies to improve forensic diagnosis and health evaluations; and to support innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing federal, state, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse and neglect.

The Secretary may also grant awards to private nonprofit organizations to establish and maintain mutual support and self-help programs as a means of strengthening families in partnership with their communities. Current law makes a specific reference to the group Parents Anonymous as an example of the types of organizations that would benefit from such grants. Parents Anonymous is a national self-help organization dedicated to community outreach for the prevention of child abuse and neglect. While recognized as a successful organization, the Committee believes that no single group or organization should receive special recognition in federal statute. As such, H.R. 3839 strikes this specific reference to Parents Anonymous in order to create a level playing field for other similar programs and organizations that do not enjoy this special recognition. However, striking the reference to Parents Anonymous in no way implies that the Committee does not recognize and support the efforts and work of Parents Anonymous. The Committee also wants to encourage the Secretary to continue to award grants to organizations that operate programs that incorporate quality standards and demonstrate effectiveness in their efforts in preventing child abuse and neglect.

H.R. 3839 further builds upon the theme of improving state child protective services systems by allowing states to use their CAPTA dollars to promote partnerships between public agencies and community-based organizations to provide child abuse and neglect prevention and treatment services, and by supporting and enhancing interagency collaboration between child protective service systems and the juvenile justice system for improved delivery of services and treatment, including methods of continuity of treatment and services as children transition between such systems.

The bill also improves the training of child protective services personnel to ensure that they are knowledgeable in best practices for promoting collaboration with families and that they are fully aware of the extent and limits of their legal authority and the legal rights of parents in carrying out such investigations. H.R. 3839 requires that states have provisions in place that address the training of child protective services personnel in their legal duties, which may consist of procedures to inform such personnel of such duties, in order to protect the legal rights of children and families.

In addition, the Committee wanted to ensure that state child protective service agencies were operating effectively and serving the needs of their community. As part of the 1996 reauthorization, states were required to establish citizen review panels composed of volunteer community representatives to examine and evaluate the policies and procedures of state and local child protective services agency activities. To ensure that these review panels are fulfilling their mission, H.R. 3839 requires the Secretary to conduct a study by random sample on the effectiveness of citizen review panels and report its findings to the appropriate Committees of Congress.

Fourth National Incidence Study

The National Incidence Study (NIS) is the single most comprehensive source of information about the current rate of child abuse and neglect in the United States. The last NIS study was conducted from 1993 to 1996. It provided key updates on the estimates on the incidence of child abuse and neglect in the United States and measured changes in such incidence from earlier studies. H.R. 3839 instructs the Secretary to conduct the fourth NIS and report its findings to the appropriate Committees of Congress within four years. The Committee believes that it is necessary to obtain the most updated information on the national incidence of child abuse and neglect in order to continue to monitor trends on the occurrence of child maltreatment in the United States and to review what is or is not working in the prevention of child abuse and neglect efforts. The Committee also is interested in reviewing the incidence and prevalence of child maltreatment as it relates to family structure (including the living arrangement of the resident parent), family income, and family size. The Committee feels this information is important in order to review and monitor the conditions that lead to incidents of child abuse and neglect and to help monitor other services that may be needed in the future to ensure that the needs of children at risk for abuse and neglect are met.

Protecting individual rights

During the hearings on CAPTA, the Subcommittee heard concerns about the number of parents being falsely accused of child abuse and neglect and the aggressiveness of child protective services personnel in their investigations of alleged child abuse. Mr. Christopher Klicka of the Home School Legal Defense Association described numerous cases of innocent families being aggressively investigated on allegations of child abuse and neglect only to have such cases later determined to be unsubstantiated or false. In his testimony describing a conversation with a former social worker, Mr. Klicka stated, "In the old days, social workers tried to prove a reported family was innocent and considered the family innocent until proven guilty. Now the system operates on the principle that a family is guilty * * * period."

The Committee looked carefully for ways to ensure that the individual rights of parents being investigated on allegations of child abuse or neglect were protected, while not compromising the intent of the child protective services system—to ensure that the best interest of the child is the primary focus. To that end the Committee wanted to enhance the training of child protective services personnel to ensure that they are knowledgeable in best practices for

promoting collaboration with families and that they are fully aware of the extent and limits of their legal authority and the legal rights of parents in carrying out such investigations. H.R. 3839 requires that states have provisions in place that address the training of child protective services personnel in their legal duties, which may consist of procedures to inform such personnel of such duties, in order to protect the constitutional and statutory rights of children and families. For instance, the Committee believes that child protective services personnel should understand that they don't have the authority to demand entry in the family home when investigating an allegation.

The bill also permits states to use their CAPTA dollars to develop and deliver information related to improving public education on the role and responsibilities of the child protective services system and the proper and appropriate basis for reporting suspected incidents of child abuse and neglect. It is the hope of the Committee that by requiring states to improve the training of social workers in proper and appropriate investigating techniques, and provide more education on appropriate reporting of child abuse and neglect by the public that incidents of aggressive investigating behavior and incidents of false reports of child maltreatment cases will be significantly decreased.

The Committee also heard concerns about how most of these families were never informed of the specific allegations made against them in the first place. The Committee firmly believes that individuals being investigated for alleged child maltreatment should be informed of the specific allegations made against them. H.R. 3839 addresses this issue by requiring states to have policies and procedures in place to require social workers, at the initial time of contact, to advise individuals who are subject to a child abuse and neglect investigation of the complaints or allegations made against them. However, it is not the intent of the Committee that by requiring states to have such policies and procedures in place that such advisement be too descriptive as to inadvertently provide identifying information that may reveal the source of such allegation or complaint. The bill specifically states that such advisement be in a manner that is consistent with laws protecting the rights of the informant.

In addition, the Committee wants to ensure that individual rights are protected by giving individuals who have been subject to a child abuse and neglect investigation an opportunity to be heard when they feel they have been wrongfully accused or have been the subject of an overly aggressive child maltreatment investigation. H.R. 3839 requires citizen review panels to provide for public outreach and comment in order to help states assess the impact of the procedures and practices of their child protective services system upon the children, families, and individuals in the community.

Protecting infants born addicted to substances

As the Subcommittee began reviewing issues and concerns surrounding the reauthorization of CAPTA one issue that arose was how to protect and deal with infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure. Congressman Greenwood

offered an amendment during Subcommittee consideration to address this issue. As a former caseworker and state legislator, Congressman Greenwood has spent countless hours looking for ways to assure proper treatment for infants who have been harmed by alcohol and/or other drug exposure in utero. During a Subcommittee hearing held last year, Congressman Greenwood described his ideas and attempts to require that states have some sort of reporting requirements to child protective services for when infants are born addicted to drugs or alcohol. He also spoke of requiring the child protective services agency to develop a safe plan of care for the infant. Currently, only 12 states and the District of Columbia have some form of specific reporting criteria and procedures relating to drug-exposed infants.

This issue also received attention in the fall of 2001 when the Washington Post ran a series of articles describing several infants born addicted to drugs or alcohol in the District of Columbia who died from lack of care by the mother or supervision from the city's child protective services agency—even when the agency was aware of the child's and family's fragile condition. According to one article, eleven drug-exposed or medically frail newborns in D.C. died from 1993 through 2000 after they were released to parents whose addictions and circumstances were well-documented by hospitals and social workers. The article stated: "The babies got lost in a system where no one assumes direct responsibility for them."

In some instances where the child protective services agency was properly notified, the agency failed to respond to the hospital's calls, leaving fragile infants in the hands of parents who were ill-equipped to care for them. The article continued to describe numerous other cases with the same results. A committee formed to investigate the District's policies regarding infants born drug-exposed or addicted to drugs or alcohol concluded, "There are no standards, policies, procedures, or consistent practices for dealing with substance abuse mothers, especially of newborns addicted to drugs."

Congressman Greenwood's amendment requires states, as a condition of receiving CAPTA dollars, to have policies and procedures in place to address the needs of infants born with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure. Under the amendment, health care providers involved in the delivery of such infants would be required to notify the child protective services system of such occurrence and a safe plan of care for the infant, including providing services to the mother would be required. The amendment passed the Subcommittee by voice vote and a slightly amended version passed in the Full Committee in the substitute amendment. The Committee wants to be clear that the final language does not create any new or amended definition of child abuse. Neither is it the intent of this language to address any legal prosecution of mothers. The goal of this language is to identify infants at risk of child abuse and neglect so appropriate services can be delivered to the infant and mother to provide for the safety of the child. The Committee also wants to be clear that the amendment does not preempt a state's law regarding what constitutes child abuse or requires prosecution. For instance, states that choose to prosecute women who have given birth to infants addicted to drugs or alcohol may continue to

do so. The language included in H.R. 3839 only requires states to have policies and procedures in place to address a safe plan of care for the infant.

Improved collaboration for improved prevention and treatment services

To prevent gaps in needed services, the bill requires the state child welfare system to develop policies and procedures for the referral of abused or neglected children under the age of 3 to the statewide early intervention system funded under Part C of the Individuals with Disabilities Education Act. Such policies and procedures will ensure that abused children can access any Part C early intervention services and supports for which they are eligible. Such services will help these children learn, grow and thus enter school ready to learn.

Related to this issue is the importance of health screenings and treatment for children who are victims of child abuse and neglect. Appropriate health and developmental evaluations and treatment can greatly influence healthy child development and can affect treatment and family preservation, such as preventing the need for out-of-home placements. H.R. 3839 takes many steps to help states address this problem and improve services for victims of child abuse and neglect by promoting linkages between child protection and health care (including mental health) agencies.

H.R. 3839 also promotes collaboration between the child protection system and the juvenile justice system as an important component in the prevention and treatment of child abuse. Research consistently demonstrates that child maltreatment greatly increases the risk of juvenile delinquency and criminal behavior. A study by the National Institute of Justice concluded that being abused or neglected as a child increased the likelihood of arrest as a juvenile by 59 percent and for a violent crime by 29 percent. Thus, many children under the care and supervision of child protection services will come to the attention or custody of the juvenile justice system. Yet social workers, judges, probation officers, researchers and others suggests there is little communication or collaboration between child protection and juvenile justice systems.

Enhanced collaboration between these two systems is needed if children are to receive appropriate treatment for child abuse and neglect. Continuity in services for abused and neglected youth is an essential component to the treatment of child maltreatment, and therefore enhanced collaboration between representatives and procedures of the child protection systems and juvenile justice systems is an essential part of federal, state and local attempts to treat child abuse. H.R. 3839 supports better treatment services to victims of child abuse and neglect by encouraging research and allowing operation grants on effective approaches to interagency collaboration that improve the delivery of services and treatment.

The Adoption Opportunities Program

The Adoption Opportunities Program was created to help eliminate barriers to adoption and to facilitate the acquisition of permanent homes for children who would benefit from adoption, particularly children with special needs and disabled infants with life-threatening conditions. The Adoption Opportunities Program pro-

vides grants to public and non-profit agencies to: promote quality standards for adoption services, pre- and post-placement, and post-legal adoption counseling, and standards to protect children's rights. The program also authorizes a national adoption information exchange system and national recruitment efforts to reach prospective adoptive parents.

H.R. 3839 makes minor modifications to the Adoption Opportunities program and requires the Secretary to conduct a study on the dynamics of successful adoptions. The Committee recognizes the lack of research about the dynamics of successful adoptions and supports the need for such research in order to fill this gap and provide better information on adoption.

The Abandoned Infants Assistance Act

The Abandoned Infants Act provides grants to public and non-profit agencies that design and implement demonstration projects to address this problem. Specific activities include: preventing the abandonment of infants, identifying and addressing the needs of abandoned infants, recruiting and training foster families for abandoned children, providing residential care for infants and young children who cannot live with their families or who are awaiting placement in foster care, providing respite care for families and foster families, and recruiting and training health and social services personnel to work with abandoned children. Priority for services is given to children who were perinatally exposed to HIV or HIV-infected, or were perinatally exposed to dangerous drugs.

As noted, the current Abandoned Infants Assistance Act places a priority on services for abandoned infants and young children born infected with or exposed to HIV or perinatally exposed to dangerous drugs. H.R. 3839 includes language that broadens one of the two priorities. The bill maintains the program's commitment to serving infants born infected with or exposed to the human immunodeficiency virus (HIV) and then broadens this priority to recognize abandoned infants and young children born with other serious medical conditions. The act's other priority—abandoned infants and young children perinatally exposed to drugs—remains unchanged.

The Committee fully supports the discretion of the Secretary to continue its priority to fund local programs that serve infants whose mothers are infected with HIV/AIDS or are addicted to illicit drugs, because at the present time drug use and HIV/AIDS are the leading factors resulting in infant abandonment. However, the Committee acknowledges that over time other factors may become more prevalent predictors of infant abandonment.

The Family Violence Prevention and Services Act

The Family Violence Prevention and Services Act (FVPSA) authorizes assistance to states, Tribes and Tribal organizations to assist in efforts to increase public awareness about family violence and provide immediate shelter and related assistance to victims of family violence and their dependents.

The Family Violence Prevention and Services Act (FVPSA) was reauthorized along with the Violence Against Women Act (VAWA) during the 106th Congress, however, at that time only a straight five year authorization was agreed to and no significant changes

were made. Traditionally, FVPSA is reauthorized along with CAPTA and its' related programs and acts. As such, H.R. 3839 extends the authorization and makes minor modifications to FVPSA to coordinate with the reauthorization of CAPTA. H.R. 3839 does not make changes to VAWA. In addition, FVPSA (as reauthorized under VAWA) authorized the transitional housing assistance program for only one year. The transitional housing assistance program awards grants to entities that provide transitional housing or housing assistance to victims and their dependents fleeing a domestic violence situation and for whom emergency shelter services are unavailable or insufficient. The Committee recognizes the importance of the transitional housing assistance program in helping domestic violence victims find a permanent, safe, secure and stable living situations. The Committee further recognizes that far too often, because of programmatic and funding constraints, the permissible length of stay in emergency shelters for those fleeing a domestic violence situation does not always provide enough time for victims to begin the task of restoring order to their lives. H.R. 3839 extends the authorization for the transitional housing assistance program through FY 2007.

SECTION-BY-SECTION ANALYSIS

Section 1. Establishes the short title of the act to be the "Keeping Children and Families Safe Act of 2002."

TITLE I—CHILD ABUSE PREVENTION AND RELATED PROGRAMS

Subtitle A—Amendments to the Child Abuse Prevention and Treatment Act

Chapter 1—General program

Section 101. Repeals section 102 of the act.

"Section 102. Amends section 103(b)(1) of the act and section 103 (c)(1) of such act regarding a national clearinghouse for information relating to child abuse.

"Section 103. Amends section 104(a) and section 104(b) of the act pertaining to research and assistance activities.

"Section 104. Amends section 105(a), (b) and (c) of the act pertaining to grants to public agencies and nonprofit private organizations for demonstration programs and projects.

"Section 105. Amends section 106(a), (b)(1)(B), (b)(2)(A), (b)(3), (c) and (d) of the act pertaining to grants to states for child abuse and neglect prevention and treatment programs, citizen review panels, and annual state reporting requirements.

"Section 106. Amends section 107(a) of the act regarding grants to states for programs relating to the investigation and prosecution of child abuse and neglect cases.

"Section 107. Amends section 108 of the act to encourage materials and services for children and families of limited English proficiency to be provided in the appropriate language other than English.

"Section 108. Amends section 110 of the act to require the secretary to conduct a study of the effectiveness of the citizen review panels and submit such report to the appropriate Congressional committees.

"Section 109. Amends section 112(a)(1) and (a)(2)(B) to extend the authorization of appropriations and make technical corrections."

Chapter 2—Community-based family resources and support grants

"Section 111. Amends section 201(a)(1) and (b) of the act to clarify the purpose and authority of community-based family resource and support grants.

"Section 112. Amends section 202 of the act to make technical changes regarding eligibility requirements.

"Section 113. Amends section 203(b)(1)(B) of the act to make technical changes to the formula."

Section 114. Repeals section 204 of the act.

"Section 115. Amends section 205 of the act to make technical changes pertaining to state applications.

"Section 116. Amends section 206(a) of the act to make technical changes regarding local program requirements.

"Section 117. Amends section 207 of the act to make technical changes to performance measures.

"Section 118. Amends section 208(3) of the act to make technical changes to the National Network for Community-Based Family Resource programs.

"Section 119. Amends section 209(1) of the act to make technical changes to definitions.

"Section 120. Amends section 210 to extend the authorization of appropriations."

Chapter 3—Technical and conforming amendments; redesignations

"Section 121. Amends section 2(3)(D), Title I and Title II of this act to provide for conforming amendments.

"Section 122. Amends Titles I and II of this act to provide for redesignations.

Subtitle B—Amendments to other child abuse prevention and related programs

Chapter 1—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978

"Section 131. Amends section 201(a) of such act pertaining to congressional findings and declaration of purpose.

"Section 132. Amends section 203 of such act to insert section 203 regarding services for families adopting special needs children and improving placement rates of children in foster care.

"Section 133. Amends section 204 of such act requiring the Secretary to conduct research on adoption outcomes and the factors affecting those outcomes.

"Section 134. Amends section 205 of such act regarding the authorization of appropriations under this subtitle.

"Section 135. Amends Title II of such act to provide for redesignations and make conforming amendments."

Chapter 2—Abandoned Infants Assistance Act of 1988

"Section 141. Amends section 2 of such act regarding the findings.

"Section 142. Amends section 101 of such act to strike the section heading and make changes to the priority of services.

"Section 143. Amends section 102 of such act regarding evaluations, studies and reports by the Secretary.

"Section 144. Amends section 104 of such act regarding authorization of appropriations.

"Section 145. Amends such act to make technical changes and to provide for conforming amendments and redesignations."

Subtitle C—Technical and conforming amendments

"Section 151. Amends the Child Abuse Prevention and Treatment Act to establish the short title as the "Keeping Children and Families Safe Act" and provide for the table of contents of this act.

TITLE II—AMENDMENTS TO FAMILY VIOLENCE PREVENTION AND SERVICES ACT

"Section 201. Amends section 303(a)(2)(B)(i) and section 303(b)(1) of such act regarding the authorization of state demonstration grants.

"Section 202. Amends section 306 of such act to make technical changes."

Section 203. Amends section 308 of such act by striking subsection (g).

"Section 204. Amends section 310(a) and 311(g) of such act pertaining to authorization of appropriations."

Section 205. Amends section 311 of such act by striking subsection (h).

"Section 206. Amends section 316(b) and (f) of such act regarding the national domestic violence hotline grant.

"Section 207. Amends section 318 (h) of such act to provide for the authorization of appropriations regarding demonstration grants for community initiatives and by striking subsection (i).

"Section 208. Amends section 319 (f) of such act to extend the authorization of the transitional housing assistance program.

"Section 209. Amends sections 302(1), 303(a), 305(b)(2)(A), 311(a), 313(1) and 315(b)(3)(A) to make technical and conforming amendments."

TITLE III—EFFECTIVE DATE

Section 301. Establishes the effective date of this act and the amendments made by this act.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. The purpose of H.R. 3839 is to reauthorize and make amendments to the Child

Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA). The bill does not prevent legislative branch employees from receiving the benefits of this legislation.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 3839 reauthorizes and makes amendments to the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA). As such, the bill does not contain any unfunded mandates.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3839 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 4, 2002.

Hon. JOHN A. BOEHNER,
Chairman, Committee on Education and the Workforce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3839, the Keeping Children and Families Safe Act of 2002.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3839—Keeping Children and Families Safe Act of 2002

Summary: Programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment and Adop-

tion Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 were authorized through 2001. These programs were continued in 2002 by the Department of Health and Human Services Appropriations Act, 2002. H.R. 3839 would reauthorize these programs through 2007. It also would extend authorizations through 2007 for some programs authorized under the Family Violence Prevention and Services Act. Most programs under that act are currently authorized through 2005.

The bill would authorize total appropriations of $312 million in 2003. CBO estimates that total authorizations under H.R. 3839 would amount to about $2 billion over the 2003–2007 period, assuming that annual levels are adjusted to keep pace with inflation when specific annual authorizations are not provided. (Without such inflation adjustments, the authorization total would be about $1.9 billion over the 2003–2007 period.) CBO estimates that appropriations of the authorized levels would result in additional outlays of $1.2 billion over the 2003–2007 period, if inflation adjustments are included.

Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 3839 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact of H.R. 3839 is shown in Table 1. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3839, THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION WITH ADJUSTMENTS FOR INFLATION						
Spending under current law:						
Budget authority/authorization level [1]	254	183	183	183	0	0
Estimated outlays	231	233	195	182	159	54
Proposed changes:						
Estimated authorization level	0	312	318	324	513	519
Estimated outlays	0	33	165	249	322	463
Spending under H.R. 3839:						
Estimated authorization level	254	495	501	507	513	519
Estimated outlays	231	265	359	430	481	516
WITHOUT ADJUSTMENTS FOR INFLATION						
Spending under current law:						
Budget authority/authorization level [1]	254	183	183	183	0	0
Estimated outlays	231	233	195	182	159	54
Proposed changes:						
Estimated authorization level	0	312	312	312	495	495
Estimated outlays	0	33	164	245	314	449
Spending under H.R. 3839:						
Estimated authorization level	254	495	495	495	495	495
Estimated outlays	231	265	359	427	473	503

[1] The 2002 level is the amount appropriated for that year for programs authorized under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment, and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention and Services Act. The amounts shown for 2003 through 2005 are current authorization levels for certain programs under the Family Violence Prevention and Services Act.

Note.—Components may not sum totals because of rounding.

Basis of estimate

H.R. 3839 would authorize funding through 2007 for various programs created under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention Services Act. Programs authorized under the first three acts would be reauthorized at specific levels for 2003 and for such sums as may be necessary for 2004 through 2007. Programs authorized by the Family Violence Prevention and Services Act, most of which are already authorized through 2005, would be extended at current levels through 2007.

H.R. 3839 would authorize the appropriation of $312 million in 2003. CBO estimates that this bill would authorize total funding of $2 billion over the 2003–2007 period assuming that "such sums" amounts provided after 2003 are adjusted for inflation. If the authorized amounts are appropriated, outlays would increase by $33 million in the first year and by $1.2 billion over the five-year period.

Table 2 presents CBO's estimates with inflation adjustments for the various components of each title under H.R. 3839. Unless annual amounts are specified, CBO's estimate of authorized levels is the authorized amount for 2003 with those amounts inflated in later years. The estimated outlays reflect historical rates of spending for the affected programs.

Title I—Child abuse prevention and related programs

Title I of H.R. 3839 would reauthorize and revise programs currently authorized under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988. H.R. 3839 would authorize a total of $287 million for 2003 for all programs under title I. CBO estimates the total funding for title I for the 2003–2007 period would be about $1.5 billion, assuming adjustments for inflation, with resulting outlays of $950 million over those five years.

Child Abuse Prevention Programs. H.R. 3839 would authorize $120 million in 2003 for both the Child Abuse and Neglect State Grant program and the Child Abuse Discretionary Activities program and such sums as may be necessary in 2004 through 2007. The state grant program provides formula grants to states to improve child protection services. The discretionary activities program awards funds to other public agencies or private nonprofit agencies for research and demonstration projects. The two programs were funded at $48 million in 2002.

The bill also would amend provisions to include new reporting and training requirements and would encourage collaborative partnerships between organizations within a state.

TABLE 2.—DETAILED EFFECTS OF H.R. 3839, THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002, WITH ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority/authorization level [1]	254	183	183	183	0	0
Estimated outlays	231	233	195	182	159	54
Proposed changes:						
Title I—Child Abuse Prevention and Related Programs						
Child abuse prevention state grants and discretionary activities:						
Estimated authorization level	0	120	122	125	127	130
Estimated outlays	0	6	59	97	114	121
Community based resource centers:						
Estimated authorization level	0	80	82	83	85	87
Estimated outlays	0	6	19	44	73	81
Adoption opportunities:						
Estimated authorization level	0	40	41	42	42	43
Estimated outlays	0	2	28	37	39	41
Abandoned infants assistance:						
Estimated authorization level	0	45	46	47	48	49
Estimated outlays	0	2	33	43	46	48
Administrative expenses for abandoned infants assistance:						
Estimated authorization level	0	2	2	2	2	2
Estimated outlays	0	2	2	2	2	2
Subtotal, Title I:						
Estimated authorization level	0	287	293	299	305	311
Estimated outlays	0	18	141	224	273	293
Title II—Family Violence Prevention and Services						
Family violence prevention and services/battered women's shelters: [2]						
Estimated authorization level	0	0	0	0	175	175
Estimated outlays	0	0	0	0	21	138
Domestic violence hotline: [2]						
Estimated authorization level	0	0	0	0	2	2
Estimated outlays	0	0	0	0	2	2
Demonstration grants for community initiatives: [2]						
Estimated authorization level	0	0	0	0	6	6
Estimated outlays	0	0	0	0	1	4
Transitional housing assistance:						
Estimated authorization level	0	25	25	25	25	25
Estimated outlays	0	15	24	24	25	25
Subtotal, Title II:						
Estimated authorization level	0	25	25	25	208	208
Estimated outlays	0	15	24	24	48	169
Total proposed changes:						
Estimated authorization level	0	312	318	324	513	519
Estimated outlays	0	33	165	249	322	463
Total spending under H.R. 3839:						
Estimated authorization level	254	495	501	507	513	519
Estimated outlays	231	265	359	430	481	516

[1] The 2002 level is the amount appropriated for that year for programs authorized under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention, Treatment, and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, and the Family Violence Prevention and Services Act. The 2003–2005 amounts are current authorization levels for certain programs under the Family Violence Prevention and Services Act.

[2] The Family Violence Prevention and Services, Domestic Violence Hotline, and Demonstration Grants for Community Initiatives programs are currently authorized until 2005. Table 2 shows only new authorizations. See text for a description of authorizations.

Notes.—Components may not sum to totals because of rounding.

Community Based Resource Centers. H.R. 3839 also would authorize $80 million in 2003 and such sums as may be necessary over the 2004–2007 period for grants to help states expand the network of services and coordination of services within the state. The program is funded at $33 million in 2002.

Adoption Opportunities. The bill would authorize $40 million in 2003 and such sums as may be necessary over the 2004–2007 period for the adoption opportunities program. The adoption opportunities program provides funds to organizations for programs to eliminate barriers to adoption. Projects include the creation of a national adoption exchange system, legal services programs, and programs to increase the adoption rates of minority children. These activities are funded at $27 million in 2002.

Abandoned Infants Assistance. H.R. 3839 would authorize $45 million in 2003 and such sums as may be necessary for the next four fiscal years for the Abandoned Infants Assistance program. That program provides funds to public and private organizations for programs that prevent abandonment of infants with HIV/AIDS, assist abandoned infants, and recruit and train foster parents and health and social services professionals. The bill also would authorize about $2 million in each fiscal year for administrative expenses. The program is funded at $12 million in 2002.

Title II—Other child abuse prevention and related programs

Title II would authorize $25 million in 2003 and $491 million over the 2003–2007 period for four family violence prevention programs that are currently authorized under the Family Violence Prevention and Services Act. The Family Violence Prevention and Services Act already authorizes most of these appropriations through 2005, and this bill would extend the authorizations through 2007.

Family Violence Prevention and Services/Battered Women's Shelters. The bill would extend the authorization of the Family Violence Prevention and Services/Battered Women's Shelter program from 2005 through 2007. The program provides grants to states to provide shelter and assistance for victims, and preventive services for perpetrators of domestic violence. The current authorization is $175 million annually through 2005. The program is funded at $124 million in 2002.

Domestic Violence Hotline. H.R. 3839 would authorize $2 million in each of the years 2006 and 2007 for the National Domestic Violence hotline. The hotline is a national toll-free telephone hotline that provides information and assistance to victims of domestic violence throughout the United States. The program is currently authorized at $2 million annually through 2005 by the Family Violence Prevention and Services Act. The program received $2 million in 2002.

Demonstration Grants for Community Initiatives. The bill would extend the authorization for grants for community initiatives through 2007. The program awards grants to nonprofit organizations to coordinate domestic violence intervention and prevention programs in local communities. The program is currently authorized at $6 million annually through 2005 and is funded at $6 million in 2002.

Transitional Housing Assistance. H.R. 3839 would authorize $25 million in each of the fiscal years 2003 through 2007 for housing assistance for victims of domestic violence. The program was authorized at $25 million for 2001, but the program has never been funded.

Pay as you go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 3839 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. This bill would benefit state, local, and tribal governments by authorizing at least $300 million in grants to prevent child abuse and family violence as well as to protect abused and neglected children. Any costs incurred to apply for or administer grants would be voluntary.

Estimated impact on the private sector: The bill contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Donna Wong; Impact on State, Local, and Tribal Governments: Elyse Goldman; Impact on the Private Sector: Kate Bloniarz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with Clause (3)(c) of House Rule XIII, the goal of H.R. 3839 is to authorize federal assistance helping to prevent child abuse and family violence and protecting and treating abused and neglected children and victims of family violence. The bill also focuses on maintaining local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to child abandonment. The Committee expects the administering federal agencies to comply with H.R. 3839 and implement the changes to the law in accordance with the changes.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 3839. The Committee believes that the amendments made by this bill, which authorize appropriations for the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA), are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3839. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHILD ABUSE PREVENTION AND TREATMENT ACT

[SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "Child Abuse Prevention and Treatment Act".

[(b) TABLE OF CONTENTS.—The table of contents is as follows:

[TABLE OF CONTENTS

[Sec. 1. Short title and table of contents.
[Sec. 2. Findings.

[TITLE I—GENERAL PROGRAM

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

[TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

[Sec. 201. Purpose and authority.
[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.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act".

(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

Sec. 101. Short title.
Sec. 102. Findings.

Subtitle A—General Program

Sec. 111. Office on Child Abuse and Neglect.
Sec. 112. National clearinghouse for information relating to child abuse.
Sec. 113. Research and assistance activities.
Sec. 114. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.
Sec. 115. Grants to States for child abuse and neglect prevention and treatment programs.

Sec. 116. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
Sec. 117. Miscellaneous requirements relating to assistance.
Sec. 118. Coordination of child abuse and neglect programs.
Sec. 119. Reports.
Sec. 120. Definitions.
Sec. 121. Authorization of appropriations.
Sec. 122. Rule of construction.

Subtitle B—Community-Based Family Support Grants for the Prevention of Child Abuse and Neglect

Sec. 131. Purpose and authority.
Sec. 132. Eligibility.
Sec. 133. Amount of grant.
Sec. 134. Application.
Sec. 135. Local program requirements.
Sec. 136. Performance measures.
Sec. 137. National network for community-based family resource programs.
Sec. 138. Definitions.
Sec. 139. Authorization of appropriations.

TITLE II—OTHER CHILD ABUSE PREVENTION AND RELATED PROGRAMS

Subtitle A—Adoption Opportunities

Sec. 201. Short title.
Sec. 202. Congressional findings and declaration of purpose.
Sec. 203. Information and services.
Sec. 204. Study and report on dynamics of successful adoption.
Sec. 205. Authorization of appropriations.

Subtitle B—Abandoned Infants Assistance

Sec. 221. Short title.
Sec. 222. Findings.
Sec. 223. Establishment of local programs.
Sec. 224. Evaluations, study, and reports by secretary.
Sec. 225. Definitions.
Sec. 226. Authorization of appropriations.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Child Abuse Prevention and Treatment Act".

SEC. [2.] *102*. FINDINGS.

Congress finds that—

(1) * * *

* * * * * * *

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

(A) * * *

* * * * * * *

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

* * * * * * *

[TITLE I—GENERAL PROGRAM]

Subtitle A—General Program

SEC. [101.] *111.* OFFICE ON CHILD ABUSE AND NEGLECT.

(a) * * *

(b) PURPOSE.—The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this [Act] *title*. In the event that such functions and 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.

[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;

[(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

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

SEC. [103.] *112.* NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) * * *

(b) FUNCTIONS.—The Secretary shall, through the clearinghouse established by subsection (a)—

(1) maintain, coordinate, and disseminate information on [all programs, including private programs, that show promise of success] *all effective programs, including private programs, that show promise of success and the potential for broad-scale implementation and replication* with respect to the prevention, assessment, identification, and treatment of child abuse and neglect; and

* * * * * * *

(c) COORDINATION WITH AVAILABLE RESOURCES.—

(1) IN GENERAL.—In establishing a national clearinghouse as required by subsection (a), the Secretary shall—

(A) * * *

* * * * * * *

(E) compile, analyze, and publish a summary of the research conducted under section [105(a)] *113(a)*; [and]

(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and

[(F)] *(G)* solicit public comment on the components of such clearinghouse.

* * * * * * *

SEC. [104.] *113.* RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—

(1) TOPICS.—The Secretary shall, in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research*, including longitudinal 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—

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

(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect*, including the effects of abuse and neglect on a child's development and the*

identification of successful early intervention services or other services that are needed;

(C) appropriate, effective and culturally sensitive investigative, administrative, and [judicial procedures] *judicial systems, including multidisciplinary, coordinated decision-making procedures* with respect to cases of child abuse; [and]

(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources; and

(G) the information on the national incidence of child abuse and neglect specified in subparagraphs (A) through (K) of paragraph (2).

[(D) the national incidence of child abuse and neglect, including—] *(2) The Secretary shall conduct research on the national incidence of child abuse and neglect, including—*

[(i)] *(A)* the extent to which incidents of child abuse are increasing or decreasing in number and severity;

[(ii)] *(B)* the incidence of substantiated and unsubstantiated reported child abuse cases;

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

[(iv)] *(D)* 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;

[(v)] *(E)* 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)] *(F)* 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)] *(G)* the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

[(viii)] *(H)* the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; [and]

(I) the incidence and prevalence of child maltreatment by reason of family structure, including the living arrangement of the resident parent, family income, and family size; and

[(ix)] *(J)* 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.

(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).

[(2)**]** *(4)* PRIORITIES.—(A) The Secretary shall establish research priorities for making grants or contracts for purposes of carrying out paragraph (1).

[(B) In establishing research priorities as required by subparagraph (A), the Secretary shall—

[(i) publish proposed priorities in the Federal Register for public comment; and

[(ii) allow not less than 60 days for public comment on such proposed priorities.**]**

(B) The Secretary shall, every two years, provide opportunity for public comment of such proposed priorities and provide for an official record of such public comment.

(b) PROVISION OF TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance to State and local public and nonprofit private agencies and organizations, including disability organizations and persons who work with children with disabilities, to assist such agencies and organizations in planning, improving, developing, and carrying out programs and activities*, including replicating successful program models,* relating to the prevention, assessment, identification, and treatment of child abuse and neglect.

(2) EVALUATION.—Such technical assistance may include an evaluation or identification of—

(A) * * *

(B) ways to mitigate psychological trauma to the child victim; **[**and**]**

(C) effective programs carried out by the States under **[**titles I and II.**]** *this subtitle and subtitle B; and*

(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.

* * * * * * *

(d) PEER REVIEW FOR GRANTS.—

(1) ESTABLISHMENT OF PEER REVIEW PROCESS.—(A) The Secretary shall, in consultation with experts in the field and other **[**federal**]** *Federal* agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for grants under this section and determining the relative merits of the projects for which such assistance is requested. The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.

* * * * * * *

SEC. [105.] *114.* GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION PROGRAMS AND PROJECTS.

(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:

(1) TRAINING PROGRAMS.—The Secretary may award grants to public or private nonprofit organizations under this section—

(A) * * *

(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[.]*;*

(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment; and

(F) for the training of personnel regarding the legal duties of such personnel.

(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] *addressing the prevention and treatment* 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], *including community-based organizations, national entities, collaborative partnerships between State child protective service agencies, statewide child abuse prevention and treatment organizations, law enforcement agencies, substance abuse treatment*

entities, health care entities, domestic violence prevention entities, mental health services entities, developmental disability agencies, community social service agencies, family support programs, schools, religious organizations, and other entities to allow for the establishment of a triage system that—

(i) * * *

* * * * * * *

(iii) provides further investigation and intensive intervention where the [child's safety is in jeopardy] *child's safety and health are in jeopardy*.

* * * * * * *

(D) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.

(b) DISCRETIONARY GRANTS.—In addition to grants or contracts made under subsection [(b)] *(a)*, grants or contracts under this section may be used for the following:

(1) * * *

* * * * * * *

(4) Programs based within children's hospitals, or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.

[(4)] *(5)*(A) Providing hospital-based information and referral services to—

(i) * * *

* * * * * * *

[(5)] *(6)* Such other innovative programs and projects that show promise of preventing and treating cases of child abuse and neglect as the Secretary may approve.

(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 *or contract* entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects. *In the case of an evaluation performed by the recipient of a demonstration grant, the Secretary shall make available technical assistance for the evaluation, where needed, to ensure a rigorous application of scientific evaluation techniques.*

SEC. [106.] *115.* 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) * * *

* * * * * * *

(3) case management*, including ongoing case monitoring,* and delivery of services *and treatment* provided to children and their families;

(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, **[**automation**]** *management information and technology* systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems*, including to support the ability of States to collect information for the National Child Abuse and Neglect Data System*;

(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*, including training regarding best practices to promote collaboration with the families and the legal duties of such individuals*;

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

[(6)**]** *(7)* developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

(8) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;

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

[(8)**]** *(10)* developing, implementing, or operating—

(A) * * *

* * * * * * *

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

(i) * * *

* * * * * * *

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

(11) promoting partnerships between public agencies and community-based organizations to provide child abuse and neglect prevention and treatment services, including linkages with

education systems and health care systems (including mental health systems);

[(9)] *(12)* 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[.]*;*

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

(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to address the health needs of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.

(b) ELIGIBILITY REQUIREMENTS.—

(1) STATE PLAN.—

(A) * * *

(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] *provide notice to the Secretary of—*

(i) 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[.]*; and*

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

(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] *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) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;

[(ii)**]** *(iii)* procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

[(iii)**]** *(iv)* procedures for immediate steps to be taken to ensure and protect the safety of the abused or 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)**]** *(v)* 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;

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

[(v)**]** *(vii)* 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**]** *title* 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**]** *as described in clause (vi)*;

* * * * * * *

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

[(ix)] *(xi)* 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

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

[(x)] *(xii)* the establishment of citizen review panels in accordance with subsection (c);

[(xi)] *(xiii)* provisions, procedures, and mechanisms [to be effective not later than 2 years after the date of the enactment of this section]—

(I) * * *

* * * * * * *

[(xii)] *(xiv)* 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) * * *

* * * * * * *

(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)] *(xv)* an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under [clause (xii)] *clause (xiv)*, conviction of any one of the felonies listed in [clause (xii)] *clause (xiv)* 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);

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

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

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

(xix) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act.

(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) * * *

* * * * * * *

(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**]** *life-threatening* conditions;

* * * * * * *

(3) LIMITATION.—**[**With regard to clauses (v) and (vi) of paragraph (2)(A)**]** *With regard to clauses (vi) and (vii) 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.

* * * * * * *

(c) CITIZEN REVIEW PANELS.—

(1) * * *

* * * * * * *

(4) FUNCTIONS.—

(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the [policies and procedures] *policies, procedures, and practices* 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) * * *

* * * * * * *

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

* * * * * * *

(6) REPORTS.—Each panel established under paragraph (1) shall prepare and make available to the *State and* 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) * * *

* * * * * * *

(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

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

* * * * * * *

SEC. [107.] *116.* GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

(a) GRANTS TO STATES.—The Secretary, in consultation with the Attorney General, is authorized to make grants to the States for the purpose of assisting States in developing, establishing, and operating programs designed to improve—

(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[.]*; and*

(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.

(b) ELIGIBILITY REQUIREMENTS.—In order for a State to qualify for assistance under this section, such State shall—

(1) fulfill the requirements of section [107(b)] *115(b)*;

* * * * * * *

(e) ADOPTION OF STATE TASK FORCE RECOMMENDATIONS.—

(1) GENERAL RULE.—Subject to the provisions of paragraph (2), before a State receives assistance under this section, a State shall adopt recommendations of the State task force in each of the following categories—

(A) * * *

(B) experimental, model and demonstration programs for testing innovative approaches and techniques which may [improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse cases] *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 which also ensure procedural fairness to the accused; and

* * * * * * *

SEC. [108.] *117.* MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

(a) CONSTRUCTION OF FACILITIES.—

(1) RESTRICTION ON USE OF FUNDS.—Assistance provided under this [Act] *title* may not be used for construction of facilities.

(2) LEASE, RENTAL, OR REPAIR.—The Secretary may authorize the use of funds received under this [Act] *title*—

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

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

(b) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this [Act] *title* among the States, among geographic areas of the Nation, and among rural and urban areas of the Nation. To the extent possible, the Secretary shall ensure that the citizens of each State receive assistance from at least one project under this [Act] *title*.

(c) LIMITATION.—No funds appropriated for any grant or contract pursuant to authorizations made in this [Act] *title* may be used for any purpose other than that for which such funds were authorized to be appropriated.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.

SEC. [109.] *118.* COORDINATION OF CHILD ABUSE AND NEGLECT PROGRAMS.

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

SEC. [110.] *119.* REPORTS.

(a) * * *

(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than two years after the first fiscal year for which funds are obligated under section 1404A of the Victims of Crime Act of 1984, the Secretary shall submit to the appropriate committees of Congress a report evaluating the effectiveness of assisted programs in achieving the objectives of section [107] *116*.

(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

(1) STUDY.—The Secretary shall conduct a study by random sample on the effectiveness of the citizen review panels established under section 106(c).

(2) REPORT.—Not later than 3 years after the date of the enactment of Keeping Children and Families Safe Act of 2002, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).

SEC. [111.] *120.* DEFINITIONS.

For purposes of this [title] *subtitle*—

(1) * * *

* * * * * * *

SEC. [112.] *121.* AUTHORIZATION OF APPROPRIATIONS.

(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.]

(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle $120,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.

(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] *subtitle*.

(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the [Secretary make] *Secretary shall make* available not more than 40 percent of such amounts to carry out section [106] *115*.

(b) AVAILABILITY OF FUNDS WITHOUT FISCAL YEAR LIMITATION.—The Secretary shall ensure that funds appropriated pursuant to authorizations in this [title] *subtitle* shall remain available until expended for the purposes for which they were appropriated.

SEC. [113.] *122.* RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this [Act] *title* shall be construed—

(1) * * *

* * * * * * *

[TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS]

Subtitle B—Community–Based Family Support Grants for the Prevention of Child Abuse and Neglect

SEC. [201.] *131.* PURPOSE AND AUTHORITY.

(a) PURPOSE.—It is the purpose of this [title] *subtitle*—

(1) to support State efforts to develop, operate, expand and enhance a network of community-based, [prevention-focused,] family resource and support programs *for the prevention of child abuse and neglect* 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] *subtitle* on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this [title] *subtitle* as the "lead entity") under section [202(1)] *132(1)* for the purpose of—

(1) developing, operating, expanding and enhancing [Statewide] *statewide* networks of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect* that—

(A) * * *

* * * * * * *

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

[(G) decrease the risk of homelessness;]

(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups;

(H) provide referrals to early health and developmental services; or

(I) are accessible, effective, culturally appropriate, developmentally appropriate, and built upon existing strengths;

* * * * * * *

(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 description of current services required under section [205(a)(3)] *134(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 *through leveraging of funds* 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] *statewide* network of community-based, [prevention-focused, family resource and support program] *family support programs for the prevention of child abuse and neglect*; and

* * * * * * *

SEC. [202.] *132.* ELIGIBILITY.

A State shall be eligible for a grant under this [title] *subtitle* 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] *subtitle* for the purposes identified under the authority of this [title] *subtitle*, including to develop, implement, operate, enhance or expand a [Statewide] *statewide* network of community-based, [prevention-focused, family resource and support programs,] *family support programs for the prevention of* 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) *that exists to strengthen and support families for purposes of preventing child abuse and neglect and* 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;

* * * * * * *

(D) in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this [title] *subtitle* (as such [title] *subtitle* 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);

(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] *family support programs for the prevention of child abuse and neglect* 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 *and parents with disabilities*;

* * * * * * *

(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] *statewide* network of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect*;

(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] *statewide* network of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect;*

(C) has the capacity to provide operational support (both financial and programmatic) and training [and technical assistance], *technical assistance, and evaluation assistance*, to the [Statewide] *statewide* network of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect*, 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 fami-

lies with children with disabilities*, parents with disabilities,* and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

SEC. [203.] *133.* AMOUNT OF GRANT.

(a) RESERVATION.—The Secretary shall reserve 1 percent of the amount appropriated under section [210] *139* 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] *139* for a fiscal year and remaining after the reservation under subsection (a) among the States as follows:

(A) * * *

(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] *as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated* 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] *the current lead agency* of such States in the preceding fiscal year.

* * * * * * *

[SEC. 204. 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.]

SEC. [205.] *134.* APPLICATION.

A grant may not be made to a State under this [title] *subtitle* unless an application therefor is submitted by the State to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section [202] *132*, including—

(1) a description of the lead entity that will be responsible for the administration of funds provided under this [title] *subtitle* and the oversight of programs funded through the [Statewide] *statewide* network of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect* which meets the requirements of section [202] *132*;

(2) a description of how the network of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect* will operate and how [family resource and support services] *family 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;

(3) [an assurance that an inventory of] *a description of the inventory of current unmet needs,* current [family resource programs, respite care, child abuse and neglect prevention activities,] *family support programs for the prevention of child abuse and neglect, including respite care* 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] *family support programs for the prevention of child abuse and neglect* 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] *subtitle* (in cash, not in-kind) for activities under this [title] *subtitle*;

(5) an assurance that funds received under this [title] *subtitle* will supplement, not supplant, other State and local public funds designated for *start-up, maintenance, expansion, and redesigning* the [Statewide] *statewide* network of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect*;

* * * * * * *

(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] *child abuse and neglect prevention programs that are community-based, including family 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] *family support programs for the prevention of child abuse and neglect* will undertake to maximize the par-

ticipation 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] *family support programs for the prevention of child abuse and neglect* for development, operation, expansion and enhancement activities;

* * * * * * *

(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 [prevention-focused, family resource and support program services] *family support program services for the prevention of child abuse and neglect* to children and families; and

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

SEC. [206.] *135.* LOCAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Grants made under this [title] *subtitle* shall be used to develop, implement, operate, expand, *network,* and enhance community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect* that—

(1) * * *

* * * * * * *

(3) provide—

(A) core [family resource and support services] *family support services for the prevention of child abuse and neglect* 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;

(v) respite care;

(vi) home visiting; and

(vii) family support services;

* * * * * * *

(6) participate with other community-based, [prevention-focused, family resource and support program] *family support programs for the prevention of child abuse and neglect* grantees in the development, operation and expansion of the [Statewide] *statewide* network.

(b) PRIORITY.—In awarding local grants under this [title] *subtitle*, 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.

SEC. [207.] *136.* PERFORMANCE MEASURES.

A State receiving a grant under this [title] *subtitle*, through reports provided to the Secretary—

(1) shall demonstrate the effective development, operation and expansion of a [Statewide] *statewide* network of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect* that meets the requirements of this [title] *subtitle*;

(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]*, such as the services described in section 135(a)(3)(A)*;

(3) shall demonstrate the establishment[of new respite care and other specific new family resources services, and the expansion of existing services,] *and the maintenance, enhancement, or expansion of existing services such as those described in section 135(a)(3)(A),* to address unmet needs identified by the inventory and description of current services required under section [205(3)] *134(3)*;

(4) shall describe the number of families served, including families with children with disabilities, *and parents 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] *evaluation of community-based child abuse and neglect prevention programs*;

(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] *family support programs for the prevention of child abuse and neglect*;

(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] *statewide* network of community-based, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect*;

* * * * * * *

(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] *community-based*, [prevention-focused, family resource and support programs] *family support programs for the prevention of child abuse and neglect*.

SEC. [208.] *137.* 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) * * *

* * * * * * *

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

* * * * * * *

SEC. [209.] *138.* 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)] *given the term "child with a disability" in section 602(3)* of the Individuals with Disabilities Education Act.

* * * * * * *

(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] *core child abuse and neglect prevention 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] *equality and respect that are* designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children *in order to prevent child abuse and neglect*;

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

* * * * * * *

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

(i) * * *

* * * * * * *

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

* * * * * * *

[SEC. 210. 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.]

SEC. 139. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.

TITLE II—OTHER CHILD ABUSE PREVENTION AND RELATED PROGRAMS

Subtitle A—Adoption Opportunities

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Adoption Opportunities Act of 2002".

* * * * * * *

Subtitle B—Abandoned Infants Assistance

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Abandoned Infants Assistance Act of 2002".

* * * * * * *

[Section 135(a) of H.R. 3839 transfers and redesignates title II of the Child Abuse Prevention and Treatment Act and Adoption Reform Act of 1978, as amended below, as subtitle A of title II of the Child Abuse Prevention and Treatment Act.]

CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

* * * * * * *

[TITLE II—ADOPTION OPPORTUNITIES]

SEC. [201.] *202.* CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Congress finds that—

[(1) the number of children in substitute care increased by nearly 61 percent between 1986 and 1994, as our Nation's foster care population included more than 452,000 as of June 1994;]

[(2) increasingly] *(1)* children entering foster care have complex problems [which] *that* 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;]

(2) many such children have special needs because they are born to mothers who did not receive prenatal care, are born with life-threatening conditions or disabilities, are born addicted to alcohol and other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

[(4) the welfare of] *(3) each year,* 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)] *(4)* many [thousands of] children remain in institutions or foster homes solely because of legal 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)] *(5)*(A) currently, [40,000] children *of all races and ages* are free for adoption and awaiting placement; *and*

(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;]

[(8)] *(6)* adoption may be the best alternative for assuring the healthy development of such children;

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

[(10)] *(8)* 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] *this subtitle* 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 providing a mechanism to—

(1) * * *

* * * * * * *

[INFORMATION AND SERVICES]

[SEC. 203. (a) The Secretary]

SEC. 203. INFORMATION AND SERVICES.

(a) IN GENERAL.—The Secretary shall establish in the Department of Health and Human Services an appropriate administrative arrangement to provide a centralized focus for planning and coordinating of all departmental activities affecting adoption and foster care and for carrying out the provisions of [this title] *this subtitle*. The Secretary shall make available such consultant services, on-site technical assistance and personnel, together with appropriate administrative expenses, including salaries and travel costs, as are necessary for carrying out such purposes, including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs.

(b) *REQUIRED ACTIVITIES*.—In connection with carrying out the provisions of [this title] *this subtitle*, the Secretary shall—

(1) * * *

* * * * * * *

[(c)(1) The Secretary]

(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

(1) IN GENERAL.—The Secretary shall provide (directly or by grant to or contract with States, local government entities, public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups) for the provision of post legal adoption services for families who have adopted special needs children.

[(2) Services]

(2) SERVICES.—Services provided under grants made under this subsection shall supplement, not supplant, services from any other funds available for the same general purposes, including—

(A) individual counseling;

(B) group counseling;

(C) family counseling;

(D) case management;

(E) training public agency adoption personnel, personnel of private, nonprofit child welfare and adoption agencies licensed by the State to provide adoption services, mental health services professionals, and other support personnel to provide services under this subsection;

(F) assistance to adoptive parent organizations; [and]

(G) assistance to support groups for adoptive parents, adopted children, and siblings of adopted children[.]*;*

(H) day treatment; and

(I) respite care.

[(d)(1) The Secretary]

(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

(1) IN GENERAL.—The Secretary shall make grants for improving State efforts to increase the placement of foster care children legally free for adoption, according to a pre-established plan and goals for improvement. Grants funded by this section must include a strong evaluation [component which] *component that* outlines the innovations used to improve the placement of special needs children who are legally free for adoption, and the successes and failures of the initiative. The evaluations will be submitted to the Secretary who will compile the results of projects funded by this section and submit a report to the appropriate committees of Congress. The emphasis of this program must focus on the improvement of the placement rate—not the aggregate number of special needs children placed in permanent homes. The Secretary, when reviewing grant applications shall give priority to grantees who propose improvements designed to continue in the absence of Federal funds.

[(2)(A) Each State]

(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

(A) APPLICATIONS.—Each State entering into an agreement under this subsection shall submit an application to the Secretary 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 in a form and manner determined to be appropriate by the Secretary. Each application shall include verification of the placements described in paragraph (1).

[(B) The Secretary]

(B) TECHNICAL AND OTHER ASSISTANCE.—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.

[(3)(A) Payments]

(3) PAYMENTS.—

(A) IN GENERAL.—Payments under this subsection shall begin during fiscal year 1989. Payments under this section during any fiscal year shall not exceed $1,000,000. No payment may be made under this subsection unless an amount in excess of $5,000,000 is appropriated for such fiscal year under section 205(a).

[(B) Any payment]

(B) REVERSION OF UNUSED FUNDS.—Any payment made to a State under this subsection which is not used by such State for the purpose provided in paragraph (1) during the fiscal year payment is made shall revert to the Secretary on October 1st of the next fiscal year and shall be used to carry out the purposes of this Act.

[STUDY OF UNLICENSED ADOPTION PLACEMENTS

[SEC. 204. The Secretary shall provide for a study (the results of which shall be reported to the appropriate committees of the Congress not later than eighteen months after the date of enactment of this Act) designed to determine the nature, scope, and effects of the interstate (and, to the extent feasible, intrastate) placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity.]

SEC. 204. STUDY AND REPORT ON DYNAMICS OF SUCCESSFUL ADOPTION.

The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002.

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 205. (a) There are authorized to be appropriated, $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.]

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $40,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007 to carry out programs and activities authorized under this subtitle.

(b) *AVAILABILITY*.—The Secretary shall ensure that funds appropriated pursuant to authorizations in this Act shall remain available until expended for the purposes for which they were appropriated.

[Section 145(b) of H.R. 3839 transfers and redesignates the Abandoned Infants Assistance Act of 1988, as amended below, as subtitle B of title II of the Child Abuse Prevention and Treatment Act.]

ABANDONED INFANTS ASSISTANCE ACT OF 1988

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Abandoned Infants Assistance Act of 1988".]

SEC. [2.] *222*. FINDINGS.

The Congress finds that—

[(1) throughout the Nation, the number of infants and young children who have been exposed to drugs taken by their mothers during pregnancy has increased dramatically;]

[(2)] *(1) studies indicate that a number of factors contribute to* the inability of *some* parents [who abuse drugs] to provide adequate [care for such infants] *care for their infants* and young children and a lack of suitable shelter homes for such infants and young children have led to the abandonment of such infants and young children in hospitals for extended periods;

[(3)] *(2)* an unacceptable number of these infants and young children will be medically cleared for discharge, yet remain in hospitals as boarder babies;

[(4)] *(3)* hospital-based child care for these infants and young children is extremely costly and deprives them of an adequate nurturing environment;

[(5) training is inadequate for foster care personnel working with medically fragile infants and young children and infants and young children exposed to drugs;

[(6) a particularly devastating development is the increase in the number of infants and young children who are infected with the human immunodeficiency virus (which is believed to cause acquired immune deficiency syndrome and which is commonly known as HIV) or who have been perinatally exposed to the virus or to a dangerous drug;

[(7) many such infants and young children have at least one parent who is an intravenous drug abuser;]

(4) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as "HIV"), those who have acquired immune deficiency syndrome (commonly know as "AIDS"), and those who have been exposed to dangerous drugs;

[(8)**]** *(5)* such infants and young children are particularly difficult to place in foster homes, and are being abandoned in hospitals in increasing numbers by mothers dying of acquired immune deficiency syndrome, *by parents abusing drugs,* or by parents incapable of providing adequate care;

[(9)**]** *(6)* there is a need for **[**comprehensive services for such infants and young children, including foster family care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services;**]** *comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and*

[(10) there is a need to support the families of such infants and young children through the provision of services that will prevent the abandonment of the infants and children; and

[(11) there is a need for the development of funding strategies that coordinate and make the optimal use of all private resources, and Federal, State, and local resources, to establish and maintain such services.**]**

(7) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.

[TITLE I—PROJECTS REGARDING ABANDONMENT OF INFANTS AND YOUNG CHILDREN IN HOSPITALS]

[SEC. 101. ESTABLISHMENT OF PROGRAM OF DEMONSTRATION PROJECTS.]

SEC. 223. ESTABLISHMENT OF LOCAL PROGRAMS.

(a) * * *

[(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that, in carrying out the purpose described in subsection (a) (other than with respect to paragraph (6) of such subsection), the applicant will give priority to abandoned infants and young children—

[(1) who are infected with the human immunodeficiency virus or who have been perinatally exposed to the virus; or

[(2) who have been perinatally exposed to a dangerous drug.**]**

(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

(2) have been perinatally exposed to a dangerous drug.

* * * * * * *

(d) ADMINISTRATION OF GRANT.—

[(1) The Secretary**]** *(1) IN GENERAL.—The Secretary* may not make a grant under subsection (a) unless the applicant for the grant agrees—

(A) * * *

* * * * * * *

(D) that if, **[**during the majority of the 180-day period preceding the date of the enactment of this Act,**]** *during the majority of the 180-day period preceding the date of the enactment of the Keeping Children and Families Safe Act of 2002,* the applicant has carried out any program with respect to the care of abandoned infants and young children, the applicant will expend the grant only for the purpose of significantly expanding, in accordance with subsection (a), activities under such program above the level provided under such program during the majority of such period.

[(2) Subject**]** *(2) DURATION OF GRANTS.—Subject* to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a grant under subsection (a) shall be for a period of 3 years, except that the Secretary—

(A) * * *

* * * * * * *

[SEC. 102. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.

[(a) EVALUATIONS OF DEMONSTRATION PROJECTS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as result of such projects.

[(b) DISSEMINATION OF INFORMATION TO INDIVIDUALS WITH SPECIAL NEEDS.—

[(1)(A) The Secretary may enter into contracts or cooperative agreements with public or nonprofit private entities for the development and operation of model projects to disseminate the information described in subparagraph (B) to individuals who are disproportionately at risk of dysfunctional behaviors that lead to the abandonment of infants or young children.

[(B) The information referred to in subparagraph (A) is information on the availability to individuals described in such subparagraph, and the families of the individuals, of financial assistance and services under Federal, State, local, and private programs providing health services, mental health services,

educational services, housing services, social services, or other appropriate services.

[(2) The Secretary may not provide a contract or cooperative agreement under paragraph (1) to an entity unless—

[(A) the entity has demonstrated expertise in the functions with respect to which such financial assistance is to be provided; and

[(B) the entity agrees that in disseminating information on programs described in such paragraph, the entity will give priority—

[(i) to providing the information to individuals described in such paragraph who—

[(I) engage in the abuse of alcohol or drugs, who are infected with the human immunodeficiency virus, or who have limited proficiency in speaking the English language; or

[(II) have been historically underserved in the provision of the information; and

[(ii) to providing information on programs that are operated in the geographic area in which the individuals involved reside and that will assist in eliminating or reducing the extent of behaviors described in such paragraph.

[(3) In providing contracts and cooperative agreements under paragraph (1), the Secretary may not provide more than 1 such contract or agreement with respect to any geographic area.

[(4) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a contract or cooperative agreement under paragraph (1) shall be for a period of 3 years, except that the Secretary may terminate such financial assistance if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the assistance.

[(c) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

[(1) The Secretary shall conduct a study for the purpose of determining—

[(A) an estimate of the number of infants and young children abandoned in hospitals in the United States and the number of such infants and young children who are infants and young children described in section 101(b); and

[(B) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for such infants and young children.

[(2) Not later than April 1, 1992, the Secretary shall complete the study required in paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

[(d) STUDY AND REPORT ON EFFECTIVE CARE METHODS.—

[(1) The Secretary shall conduct a study for the purpose of determining the most effective methods for responding to the needs of abandoned infants and young children.

[(2) The Secretary shall, not later than April 1, 1991, complete the study required in paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

[SEC. 103. DEFINITIONS.

[For purposes of this title:

[(1) The terms "abandoned" and "abandonment", with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

[(2) The term "dangerous drug" means a controlled substance, as defined in section 102 of the Controlled Substances Act.

[(3) The term "natural family" shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this Act.]

SEC. 224. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found dead in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

(B) an estimate of the annual number of infants and young children who are victims of homicide;

(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.

SEC. 225. DEFINITIONS.

For purposes of this subtitle:

(1) The terms "abandoned" and "abandonment", with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

(2) The term "acquired immune deficiency syndrome" includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

(3) The term "dangerous drug" means a controlled substance, as defined in section 102 of the Controlled Substances Act.

(4) The term "natural family" shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a caregiving situation with respect to infants and young children covered under this subtitle.

(5) The term "Secretary" means the Secretary of Health and Human Services.

SEC. [104.] *226.* AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—

[(1) For the purpose of carrying out this title (other than section 102(b)), there are authorized to be appropriated $35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.

[(2)(A) Of the amounts appropriated under paragraph (1) for any fiscal year in excess of the amount appropriated under this subsection for fiscal year 1991, as adjusted in accordance with subparagraph (B), the Secretary shall make available not less than 50 percent for grants under section 101(a) to carry out projects described in paragraph (8) of such section.

[(B) For purposes of subparagraph (A), the amount relating to fiscal year 1991 shall be adjusted for a fiscal year to a greater amount to the extent necessary to reflect the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with March of the preceding fiscal year.

[(3) Not more than 5 percent of the amounts appropriate under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).

[(b) DISSEMINATION OF INFORMATION FOR INDIVIDUALS WITH SPECIAL NEEDS.—For the purpose of carrying out section 102(b), there is authorized to be appropriated $5,000,000 for each of the fiscal years 1992 through 1995.]

(a) IN GENERAL.—

(1) AUTHORIZATION.—For the purpose of carrying out this subtitle, there are authorized to be appropriated $45,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

(2) LIMITATION.—Not more than 5 percent of the amounts appropriate under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).

[(c)] *(b)* ADMINISTRATIVE EXPENSES.—

(1) *AUTHORIZATION*.—For the purpose of the administration of [this title] *this subtitle* by the Secretary, there is authorized to be appropriated for each fiscal year specified in subsection (a)(1) an amount equal to 5 percent of the amount authorized in such subsection to be appropriated for the fiscal year. With respect to the amounts appropriated under such subsection, the preceding sentence may not be construed to prohibit the expenditure of the amounts for the purpose described in such sentence.

(2) *LIMITATION*.—The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the amounts appropriated under subsection (a)(1) for the fiscal year, the Secretary has obligated for the purpose described in such paragraph an amount equal to the amounts obligated by the Secretary for such purpose in [fiscal year 1991.] *fiscal year 2002.*

[(d)] *(c)* AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

[TITLE II—MEDICAL COSTS OF TREATMENT WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

[SEC. 201. STUDY AND REPORT ON ASSISTANCE.

[(a) STUDY.—The Secretary shall conduct a study for the purpose of—

[(1) determining cost-effective methods for providing assistance to individuals for the medical costs of treatment of conditions arising from infection with the etiologic agent for acquired immune deficiency syndrome, including determining the feasibility of risk-pool health insurance for individuals at risk of such infection;

[(2) determining the extent to which Federal payments under title XIX of the Social Security Act are being expended for medical costs described in paragraph (1); and

[(3) providing an estimate of the extent to which such Federal payments will be expended for such medical costs during the 5-year period beginning on the date of the enactment of this Act.

[(b) REPORT.—The Secretary shall, not later than 12 months after the date of the enactment of this Act, complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

[TITLE III—GENERAL PROVISIONS

[SEC. 301. DEFINITIONS.

[For purposes of this Act:

[(1) The term "acquired immune deficiency syndrome" includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such

etiologic agent, and any condition arising from such etiologic agent.

[(2) The term "Secretary" means the Secretary of Health and Human Services.]

SECTION 421 OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

DEFINITIONS

SEC. 421. For the purposes of this Act—

(1) * * *

* * * * * * *

(7) the term "boarder baby" means an infant described in [section 103 of the Abandoned Infants Assistance Act of 1988 (Public Law 100–505; 42 U.S.C. 670 note);] *section 225(1) of the Abandoned Infants Assistance Act of 2002;*

* * * * * * *

FAMILY VIOLENCE PREVENTION AND SERVICES ACT

* * * * * * *

DECLARATION OF PURPOSE

SEC. 302. It is the purpose of this title to—

(1) [demonstrate the effectiveness of assisting] *assist* States in efforts to increase public awareness about and prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and

* * * * * * *

STATE DEMONSTRATION GRANTS AUTHORIZED

SEC. 303. (a)(1) * * *

(2) No grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) * * *

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

(i) not more than [5] *2* percent of such funds will be used for State administrative costs; and

* * * * * * *

(C) set forth procedures designed to involve [State domestic violence coalitions knowledgeable individuals and interested organizations] *State domestic violence coalitions, knowledgeable individuals, and interested organizations* and assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State and a plan to address the needs of underserved populations, in-

cluding populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation;

* * * * * * *

(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; *and*

* * * * * * *

(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.

(b)(1) The Secretary, from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants to Indian tribes, tribal organizations and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation for projects designed to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents. *Not more than 2 percent of amounts made available for a fiscal year to make grants under the preceding sentence may be used for administrative costs with respect to such grants.*

* * * * * * *

SECRETARIAL RESPONSIBILITIES

SEC. 305. (a) * * *

(b) The Secretary shall—

(1) * * *

(2)(A) **[**provide for research, and into**]** *provide for research into* the most effective prevention, identification, and treatment thereof (such as research into (i) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in combination, and through the use of civil protection orders removing the abuser from the family household, (ii) the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons), (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, and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and

* * * * * * *

EVALUATION

SEC. 306. [Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter,] *Every two years* the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this title, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the documentation provided to the Secretary under section 303(a)(2)(B) through 303(a)(2)(F).

* * * * * * *

SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

(a) * * *

* * * * * * *

[(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.]

* * * * * * *

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $175,000,000 for each of fiscal years 2001 through 2005.]

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $175,000,000 for each of the fiscal years 2003 through 2007.

* * * * * * *

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) * * *

(2) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

(A) * * *

* * * * * * *

(K) the use of training and technical assistance to law enforcement, judges, court officers and [other criminal justice professionals,;] *other criminal justice professionals;*

* * * * * * *

(3) work with [family law judges,,] *family law judges,* criminal court 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;

* * * * * * *

(D) the use of training and technical assistance for family law judges*, criminal court judges,* and court personnel;

* * * * * * *

(H) the implementation of [supervised visitations that do not endanger victims and their children] *supervised visitations or denial of visitation to protect against danger to victims or their children*; and

* * * * * * *

[(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.]

(g) FUNDING.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section.

* * * * * * *

SEC. 313. The Secretary shall, directly or by grant or contract—

(1) develop data [on the individual 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;

* * * * * * *

SEC. 315. MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

(a) * * *

(b) DESIGNATION AS MODEL STATE.—To be designated as a model State under subsection (a), a State shall have in effect—

(1) * * *

* * * * * * *

(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]

* * * * * * *

SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) * * *

(b) DURATION.—[A grant]

(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section may extend over a period of not more than 5 years.

(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $2,000,000 for each of [fiscal years 2001 through 2005] *fiscal years 2003 through 2007*.

* * * * * * *

SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) * * *

* * * * * * *

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2001 through 2005.

[(i) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of enactment, the Secretary shall publish final regulations implementing this section.]

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2003 through 2007.

SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

(a) * * *

* * * * * * *

(d) REPORTS.—

(1) * * *

(2) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary

of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for [fiscal year 2001] *each of the fiscal years 2003 through 2007*.

ADDITIONAL MINORITY VIEWS

Protecting children from harm

When asked about the balance between protecting children and protecting "parents' rights" in a Subcommittee hearing on October 17, 2001. Assistant Secretary of HHS, Wade Horn, responded that a delicate balance was necessary and that within the context of CAPTA, "the balance was adequate."

Despite Dr. Horn's expressed satisfaction on this issue, the Majority insisted on pursuing the matter within CAPTA reauthorization. Based on individual case studies, the Majority seems to believe that child protective systems routinely and aggressively personnel ignore "parental rights" in investigating potential cases of child abuse of neglect. However, evidence for this assertion is lacking.

Moreover, the Minority is greatly concerned that more child abuse and child deaths could result with inappropriate emphasis on protecting the "rights" of parents over the rights of children not to be abused, neglected or murdered. The Minority believes that improved caseworker training and oversight is critically important to the safety of our country's children and the well-being of our country's families, and that the appropriate way to address the Majority's concerns is through more resources for training and case management of child protective service personnel rather than prescriptive declarations from the federal government about what caseworkers should or should not say in their investigations of child abuse and neglect. The Minority believes greater emphasis should be placed on supporting best practices to ensure the safety of children and promote collaboration between the child protective services and the families where appropriate from the beginning of the investigation through treatment.

In an effort to negotiate a bipartisan bill, the Minority worked with the Majority to develop language that might address the Majority's wishes without compromising the safety of children. The result of the complicated and contentious negotiations was an agreement on a provision which requires states to have policies and procedures that require social workers, at the initial time of contact, to advise an individual who are the subject to a child abuse and neglect investigation, of the complaints or allegations made against them. The agreed upon goal of this provision is for caseworkers to inform individuals being investigated for child maltreatment of the types of allegation being made.

Child protective service personnel are currently trained to disclose whether a parent (for example) is suspected of physical abuse versus sexual abuse versus neglect. The agreed upon provisions clarifies existing practice. However, the Minority firmly opposes broader or more prescriptive interpretation of this provision. We believe that federally legislating prescriptive restrictions on what

these personnel are allowed to say or do during investigations could greatly compromise the rights and safety of children. It was not the intent of Minority, nor was it the agreed upon intent of the Majority, for this provision to lead to caseworkers revealing information that could advertently or inadvertently provide identifying information that may reveal the source of such allegation or compromise the investigation. And importantly, the Minority would like to emphasize that this provision does not require or suggest that caseworkers should or must convey any information that could compromise the safety of the child.

We believe that the Majority's report on the reauthorization of CAPTA overemphasizes the extent to which parental rights are violated or inappropriately treated within the child protective system, misrepresents the frequency in which this happens and the extent empirical evidence on this issue, goes beyond the agreed upon intent within our negotiations, and thus does not represent the Minority's views. We know of no valid, scientifically sound studies and no data to suggest widespread inappropriately "aggressive" investigations by child protective services personnel. In fact, discussions with practitioners and recognized experts in the field of child welfare contradict the claim that parental rights are frequently violated by child protective service systems. In sum, we believe the views expressed in the report's "Protecting Individual Rights" section go beyond the agreed upon intent of the relevant provisions ion CAPTA, distort what is known about this issue, defy model professional practice, and could potentially detrimentally tip the balance, referred to by Dr. Horn, in a manner that would lead to greater harm to children.

Improving child protective services for children with disabilities and health problems

There are approximately three million reports of child abuse every year. Of these 3 million, 1 million are substantiated. It is estimated that children with disabilities are almost four times more likely to be victims of abuse and neglect than children without disabilities. A 1993 study by the Office of Child Abuse and Neglect found that 36 percent of the substantiated cases of child maltreatment, or about 300,000 children, caused disabilities in those children. Near-fatal child maltreatment leaves 18,000 children permanently disabled each year. Identification and treatment of the medical, development and mental health problems of children have been shown to decrease the amount of time a child spends in out of home placement and increase chances for a stable living situation. Unfortunately, less than half of the children who are abused or neglected receive any services at all.

To address these gaps in service, the bill requires the state child welfare system to develop policies and procedures involving abused or neglected children under the age of 3 to be referred to the statewide early intervention system funded under Part C of the Individuals with Disabilities Education Act. Such policies and procedures will ensure that abused children can access the early intervention services and supports for which they are eligible. Such services will help these children learn, grow and thus enter school ready to learn.

Related to this issue is the importance of health screenings and treatment for children who are victims of child abuse and neglect. Children in the child welfare system are at higher risk for health problems than other children for a variety of reasons, including risks for child maltreatment are also risks of child health problems and because child abuse often causes disabilities. Appropriate health and development evaluations and treatment can greatly influence healthy child development and can affect treatment and family preservation, such as preventing the need for out-of-home placements. A 1995 GAO study concluded that systemic and direct service barriers prevent many children in the welfare system from receiving adequate health care. H.R. 3989 takes many steps to help states address this problem and improve services for victims of child abuse and neglect by promoting linkages between child protection and health care (including mental health) agencies.

Improving the child protective service system (CPS) infrastructure

H.R. 3839 recognizes that CAPTA can fill an important role in the federal response to protecting children and preventing child maltreatment. To this end, H.R. 3839 adds to the permitted uses of the basic state grants to enable states to improve their CPS systems, through CAPTA grant support, in a variety of activities essential to a responsive, efficient and appropriate protective service system. In addition to the purposes for basic state grants in current law which address CPS improvements, H.R. 3839 allows CAPTA funds to be available to address the following issues:

CPS staffing: to improve upon the supervision of casework in CPS; to enhance the recruitment and retention of child protection workers; and to promote training for child protective service work.

Case management: to promote on-going case monitoring and service delivery; to enhance the ability to assess cases; to improve upon the management of case information; and to help states develop better databases for information.

Linkages: to promote partnerships between CPS and private, community-based services; and to develop connections with health, education and juvenile justice services to better serve abused and neglected children.

Public education: to improve upon the public's understanding about the role and responsibilities of CPS; and to inform the public about appropriate reporting of suspected incidents of child maltreatment.

Our nation's current system of protecting children is heavily weighted toward protecting children who have been so seriously maltreated they are no longer safe at home and must be placed in foster care or adoptive homes. These are children whose safety is in danger; they demand our immediate attention. Unfortunately, far less attention is directed at preventing harm to these children from happening in the first place, or providing the appropriate services and treatment needed by families and children victimized by abuse or neglect. Through the changes made by H.R. 3839, CAPTA can serve to assist in the improvement of the CPS infrastructure. Through the CAPTA basic state grant program, the federal government has the opportunity to step up to a leadership role in providing support for the CPS system infrastructure and to

begin to rectify the imbalance in the federal government's response to the abuse and neglect of children.

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