

AMENDMENTS

2002—Subsec. (b)(1). Pub. L. 107-273 substituted “sections 5673 and 5676 of this title” for “sections 5665a, 5673, and 5676 of this title”.

1992—Pub. L. 102-586, §6(c)(1), substituted “Local children’s advocacy centers” for “Authority of Director to make grants” in section catchline.

Subsec. (a). Pub. L. 102-586, §6(c)(2), substituted “The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime,” for “The Director of the Office of Victims of Crime (hereinafter in this subchapter referred to as the ‘Director’), in consultation with officials of the Department of Health and Human Services.”

Subsec. (b)(2)(B). Pub. L. 102-586, §6(c)(3), inserted “and nonoffending family members” after “neglect”.

Subsec. (d). Pub. L. 102-586, §6(c)(4), added subsec. (d).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 5601 of this title.

§ 13003. Grants for specialized technical assistance and training programs

(a) In general

The Administrator shall make grants to national organizations to provide technical assistance and training to attorneys and others instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases.

(b) Grantee organizations

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

(c) Grant criteria

(1) The Administrator shall establish the criteria to be used for evaluating applications for grants under this section, consistent with sections 5673 and 5676 of this title.

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

(Pub. L. 101-647, title II, §214A, formerly §213, Nov. 29, 1990, 104 Stat. 4793; renumbered §214A and amended Pub. L. 102-586, §6(b)(1), (d), Nov. 4, 1992, 106 Stat. 5029, 5034; Pub. L. 107-273, div. C, title II, §12221(b)(1)(B), Nov. 2, 2002, 116 Stat. 1894.)

REFERENCES IN TEXT

This title, referred to in subsec. (c)(2), means title II of Pub. L. 101-647, known as the Victims of Child Abuse

¹ See References in Text note below.

Act of 1990, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 13001 of this title and Tables.

AMENDMENTS

2002—Subsec. (c)(1). Pub. L. 107-273 substituted “sections 5673 and 5676 of this title” for “sections 5665a, 5673, and 5676 of this title”.

1992—Subsecs. (a), (c)(1). Pub. L. 102-586, §6(d), substituted “Administrator” for “Director”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107-273, as amended, set out as a note under section 5601 of this title.

§ 13004. Authorization of appropriations

(a) Sections 13001b and 13002

There are authorized to be appropriated to carry out sections 13001b and 13002 of this title, \$15,000,000 for each of fiscal years 2004 and 2005.

(b) Section 13003

There are authorized to be appropriated to carry out section 13003 of this title, \$5,000,000 for each of fiscal years 2004 and 2005.

(Pub. L. 101-647, title II, §214B, formerly §214, Nov. 29, 1990, 104 Stat. 4794; renumbered §214B and amended Pub. L. 102-586, §6(b)(1), (e), Nov. 4, 1992, 106 Stat. 5029, 5034; Pub. L. 104-235, title II, §232, Oct. 3, 1996, 110 Stat. 3092; Pub. L. 108-21, title III, §381(b), Apr. 30, 2003, 117 Stat. 667.)

AMENDMENTS

2003—Pub. L. 108-21 amended section generally. Prior to amendment, section authorized appropriations to carry out sections 13001b and 13002 of \$15,000,000 for fiscal year 1993 and such sums as necessary in fiscal years 1994 through 2000 and appropriations to carry out section 13003 of \$5,000,000 for fiscal year 1993 and such sums as necessary in fiscal years 1994 through 2000.

1996—Subsecs. (a)(2), (b)(2). Pub. L. 104-235 substituted “1996, and each of the fiscal years 1997 through 2000” for “and 1996”.

1992—Pub. L. 102-586, §6(e), amended section generally. Prior to amendment, section authorized appropriations to carry out this subchapter of \$20,000,000 in fiscal year 1991 and such sums as may be necessary in fiscal years 1992 and 1993 and provided that not less than 90 percent was to be used for grants under section 13002 of this title.

SUBCHAPTER II—COURT-APPOINTED SPECIAL ADVOCATE PROGRAM

§ 13011. Findings

The Congress finds that—

(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect; and

(2) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.

(Pub. L. 101-647, title II, §215, Nov. 29, 1990, 104 Stat. 4794; Pub. L. 109-162, title I, §112(a), Jan. 5, 2006, 119 Stat. 2985.)

AMENDMENTS

2006—Pars. (1), (2). Pub. L. 109-162 added pars. (1) and (2) and struck out former pars. (1) and (2), which read as follows:

“(1) the National Court-Appointed Special Advocate provides training and technical assistance to a network of 13,000 volunteers in 377 programs operating in 47 States; and

“(2) in 1988, these volunteers represented 40,000 children, representing approximately 15 percent of the estimated 270,000 cases of child abuse and neglect in juvenile and family courts.”

§ 13012. Purpose

The purpose of this subchapter is to ensure that by January 1, 2010, a court-appointed special advocate shall be available to every victim of child abuse or neglect in the United States that needs such an advocate.

(Pub. L. 101-647, title II, § 216, Nov. 29, 1990, 104 Stat. 4794; Pub. L. 103-322, title IV, § 40156(a)(2), Sept. 13, 1994, 108 Stat. 1923; Pub. L. 109-162, title I, § 112(b), Jan. 5, 2006, 119 Stat. 2986.)

AMENDMENTS

2006—Pub. L. 109-162 substituted “January 1, 2010” for “January 1, 1995”.

1994—Pub. L. 103-322 made technical amendment to reference to this subchapter to correct reference to corresponding provision of original act.

§ 13013. Strengthening of court-appointed special advocate program**(a) In general**

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

(b) Grantee organizations

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

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

(B) may be a local public or not-for-profit agency that has demonstrated the willingness to initiate, sustain, and expand a court-appointed special advocate program.

(2) An organization described in paragraph (1)(A) that receives a grant may be authorized to make subgrants and enter into contracts with public and not-for-profit agencies to initiate, sustain, and expand the court-appointed special advocate program. Should a grant be made to a national organization for this purpose, the Administrator shall specify an amount not exceeding 5 percent that can be used for administrative purposes by the national organization.

(c) Grant criteria

(1) The Administrator shall establish criteria to be used in evaluating applications for grants under this section, consistent with sections 5673 and 5676 of this title.

(2) In general, the grant criteria established pursuant to paragraph (1) shall require that a

court-appointed special advocate program provide screening, training, and supervision of court-appointed special advocates in accordance with standards developed by the National Court-Appointed Special Advocate Association. Such criteria may include the requirements that—

(A) a court-appointed special advocate association program have a mission and purpose in keeping with the mission and purpose of the National Court-Appointed Special Advocate Association and that it abide by the National Court-Appointed Special Advocate Association Code of Ethics;

(B) a court-appointed special advocate association program operate with access to legal counsel;

(C) the management and operation of a court-appointed special advocate program assure adequate supervision of court-appointed special advocate volunteers;

(D) a court-appointed special advocate program keep written records on the operation of the program in general and on each applicant, volunteer, and case;

(E) a court-appointed special advocate program have written management and personnel policies and procedures, screening requirements, and training curriculum;

(F) a court-appointed special advocate program not accept volunteers who have been convicted of, have charges pending for, or have in the past been charged with, a felony or misdemeanor involving a sex offense, violent act, child abuse or neglect, or related acts that would pose risks to children or to the court-appointed special advocate program’s credibility;

(G) a court-appointed special advocate program have an established procedure to allow the immediate reporting to a court or appropriate agency of a situation in which a court-appointed special advocate volunteer has reason to believe that a child is in imminent danger;

(H) a court-appointed special advocate volunteer be an individual who has been screened and trained by a recognized court-appointed special advocate program and appointed by the court to advocate for children who come into the court system primarily as a result of abuse or neglect; and

(I) a court-appointed special advocate volunteer serve the function of reviewing records, facilitating prompt, thorough review of cases, and interviewing appropriate parties in order to make recommendations on what would be in the best interests of the child.

(3) In awarding grants under this section, the Administrator shall ensure that grants are distributed to localities that have no existing court-appointed special advocate program and to programs in need of expansion.

(d) Background checks

State and local Court Appointed Special Advocate programs are authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation’s criminal history database for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.