

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, 2015, 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; Pub. L. 113-4, title I, §106(1), Mar. 7, 2013, 127 Stat. 77.)

AMENDMENTS

2013—Pub. L. 113-4 substituted “January 1, 2015” for “January 1, 2010”.

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.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

§ 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)—

(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 Standards for Programs;

(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.

(e) Reporting

An organization that receives a grant under this section for a fiscal year shall submit to the Administrator a report regarding the use of the grant for the fiscal year, including a discussion of outcome performance measures (which shall be established by the Administrator) to determine the effectiveness of the programs of the organization in meeting the needs of children in the child welfare system.

(Pub. L. 101-647, title II, §217, Nov. 29, 1990, 104 Stat. 4794; Pub. L. 107-273, div. C, title II, §12221(b)(1)(C), Nov. 2, 2002, 116 Stat. 1894; Pub. L. 109-162, title I, §112(c), Jan. 5, 2006, 119 Stat. 2986; Pub. L. 113-4, title I, §106(2), Mar. 7, 2013, 127 Stat. 77.)

AMENDMENTS

2013—Subsec. (c)(2)(A). Pub. L. 113-4, §106(2)(A), substituted “Standards for Programs” for “Code of Ethics”.

Subsec. (e). Pub. L. 113-4, §106(2)(B), added subsec. (e).
2006—Subsec. (a). Pub. L. 109-162, §112(c)(1), substituted “to initiate, sustain, and expand” for “to expand”.

Subsec. (b)(1). Pub. L. 109-162, §112(c)(2)(A), substituted “subsection (a)—” for “subsection (a)”, inserted subpar. (A) designation before “shall be”, and substituted “(B) may be” for “(2) may be” and “to initiate, sustain, and expand” for “to initiate or expand”.

Subsec. (b)(2). Pub. L. 109-162, §112(c)(2)(B), substituted “(1)(A)” for “(1)(a)” and “to initiate, sustain, and expand” for “to initiate and to expand”.

Subsec. (d). Pub. L. 109-162, §112(c)(3), added subsec. (d).

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”.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

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.

§ 13013a. Report

(a) Report required

Not later than December 31, 2006, the Inspector General of the Department of Justice shall sub-

mit to Congress a report on the types of activities funded by the National Court-Appointed Special Advocate Association and a comparison of outcomes in cases where court-appointed special advocates are involved and cases where court-appointed special advocates are not involved.

(b) Elements of report

The report submitted under subsection (a) shall include information on the following:

(1) The types of activities the National Court-Appointed Special Advocate Association has funded since 1993.

(2) The outcomes in cases where court-appointed special advocates are involved as compared to cases where court-appointed special advocates are not involved, including—

(A) the length of time a child spends in foster care;

(B) the extent to which there is an increased provision of services;

(C) the percentage of cases permanently closed; and

(D) achievement of the permanent plan for reunification or adoption.

(Pub. L. 101-647, title II, §218, as added Pub. L. 109-162, title I, §112(d)(2), Jan. 5, 2006, 119 Stat. 2986.)

PRIOR PROVISIONS

A prior section 218 of Pub. L. 101-647 was renumbered section 219 and is classified to section 13014 of this title.

§ 13014. Authorization of appropriations

(a) Authorization

There is authorized to be appropriated to carry out this subchapter \$12,000,000 for each of fiscal years 2014 through 2018.

(b) Limitation

No funds are authorized to be appropriated for a fiscal year to carry out this subchapter unless the aggregate amount appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

(c) Prohibition on lobbying

No funds authorized under this subchapter may be used for lobbying activities in contravention of OMB Circular No. A-122.

(Pub. L. 101-647, title II, §219, formerly §218, Nov. 29, 1990, 104 Stat. 4796; Pub. L. 103-322, title IV, §40156(a)(1), Sept. 13, 1994, 108 Stat. 1922; Pub. L. 106-386, div. B, title III, §1302(a), Oct. 28, 2000, 114 Stat. 1511; renumbered §219 and amended Pub. L. 109-162, title I, §112(d)(1), (e), Jan. 5, 2006, 119 Stat. 2986; Pub. L. 113-4, title I, §106(3), Mar. 7, 2013, 127 Stat. 77.)

REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (b), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended. Title II of the Act is classified principally to subchapter II (§5611 et seq.) of chapter 72 of this title. For complete classification of this Act to the Code, see Tables.