

cational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.”

Subsec. (b)(4)(D). Pub. L. 108-36, §113(b)(5), struck out “nonprofit” before “acute care hospital” in introductory provisions.

Subsec. (c). Pub. L. 108-36, §113(c), struck out “demonstration” before “projects” in first sentence, inserted “or contract” after “or as a separate grant” in second sentence, and inserted at end “In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.”

1996—Pub. L. 104-235, §106(1), struck out “or service” after “demonstration” in section catchline.

Subsec. (a). Pub. L. 104-235, §106(2), amended heading and text of subsec. (a) generally. Prior to amendment, text consisted of pars. (1) and (2) which related to general authority of Secretary to make grants and enter into contracts for demonstration or service programs and projects and to evaluate the effectiveness of those demonstration projects.

Subsec. (b). Pub. L. 104-235, §106(3), (4), redesignated subsec. (c) as (b) and pars. (3) to (7) thereof as (1) to (5), respectively, struck out former pars. (1) and (2) which related to training programs and other innovative programs, respectively, and struck out heading and text of former subsec. (b). Text read as follows: “The Secretary shall, directly or through grants or contracts with public or private nonprofit organizations under this section, provide for the establishment of resource centers—

“(1) serving defined geographic areas;

“(2) staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect; and

“(3) providing advice and consultation to individuals, agencies, and organizations which request such services.”

Subsec. (c). Pub. L. 104-235, §106(6), added subsec. (c). Former subsec. (c) redesignated (b).

1992—Subsec. (a). Pub. L. 102-295, §113(a), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (c)(1)(B). Pub. L. 102-295, §141(5), substituted “disabilities” for “handicaps”.

Pub. L. 102-295, §113(b)(1), inserted “culturally specific” before “instruction”.

Subsec. (c)(1)(C). Pub. L. 102-295, §113(b)(2), added subpar. (C).

Subsec. (c)(6)(A)(i). Pub. L. 102-295, §141(5), substituted “children with disabilities” for “children with handicaps”.

Subsec. (c)(6)(B)(i). Pub. L. 102-295, §141(1), substituted “child with disabilities” for “handicapped child”.

Subsec. (c)(6)(C)(ii). Pub. L. 102-295, §141(2), substituted “child with disabilities” for “child with handicaps”.

1988—Pub. L. 100-294 amended section generally, substituting provision authorizing grants to public agencies and nonprofit private organizations for demonstration or service programs and projects for provision directing the Secretary to ensure coordination among Federal programs related to child abuse and neglect. See section 5106e of this title.

1984—Pub. L. 98-457 substituted “among programs” for “between programs”.

§ 5106a. Grants to States for child abuse or neglect prevention and treatment programs

(a) Development and operation grants

The Secretary shall make grants to the States, from allotments made under subsection (f) for each State that applies for a grant under this section, for purposes of assisting the States

in improving the child protective services system of each such State in—

(1) the intake, assessment, screening, and investigation of reports of child abuse or neglect;

(2)(A) creating and improving the use of multidisciplinary teams and interagency, intra-agency, interstate, and intrastate protocols to enhance investigations; and

(B) improving legal preparation and representation, including—

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

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

(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 developing, improving, and implementing risk and safety assessment tools and protocols, including the use of differential response;

(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;

(6) developing, strengthening, and facilitating training including—

(A) training regarding research-based strategies, including the use of differential response, to promote collaboration with the families;

(B) training regarding the legal duties of such individuals;

(C) personal safety training for case workers; and

(D) training in early childhood, child, and adolescent development;

(7) improving the skills, qualifications, 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;

(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;

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

(A) existing social and health services;

(B) financial assistance;

(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; and

(D) the use of differential response in preventing child abuse and neglect;

(10) 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, including the use of differential response;

(11) 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;

(12) 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;

(13) supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—

(A) to provide child abuse and neglect prevention and treatment services (including linkages with education systems), and the use of differential response; and

(B) to address the health needs, including mental health needs, of children identified as victims of child abuse or neglect,¹ including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports; or

(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—

(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.

(b) Eligibility requirements

(1) State plan

(A) In general

To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

(B) Duration of plan

Each State plan shall—

(i) remain in effect for the duration of the State's participation under this section; and

(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State's strategies and programs under this section.

(C) Additional information

The State shall provide notice to the Secretary—

(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

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

(2) Contents

A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this subchapter, including—

(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] relating to child welfare services and family preservation and family support services;

(B) an assurance in the form of a certification by the Governor of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a state-wide program, relating to child abuse and neglect that includes—

(i) provisions or procedures for an individual to report known and suspected instances of child abuse and neglect, including a State law for mandatory reporting by individuals required to report such instances;

(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder, including a 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—

(I) establish a definition under Federal law of what constitutes child abuse or neglect; or

(II) require prosecution for any illegal action;

(iii) the development of a plan of safe care for the infant born and identified as being affected by substance abuse or withdrawal symptoms, or a Fetal Alcohol Spectrum Disorder to ensure the safety and well-being of such infant following release from the care of health care providers, including through—

(I) addressing the health and substance use disorder treatment needs of the infant and affected family or caregiver; and

(II) the development and implementation by the State of monitoring systems regarding the implementation of such plans to determine whether and in what manner local entities are providing, in accordance with State requirements, referrals to and delivery of appropriate services for the infant and affected family or caregiver;

¹ So in original.

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

(v) triage procedures, including the use of differential response, for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;

(vi) procedures for immediate steps to be taken to ensure and protect the safety of a victim of child abuse or neglect and of any other child under the same care who may also be in danger of child abuse or neglect and ensuring their placement in a safe environment;

(vii) 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;

(viii) 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 subchapter and subchapter III 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, as described in clause (ix);

(III) child abuse citizen review panels;

(IV) child fatality review panels;

(V) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

(ix) 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 child abuse and neglect;

(x) 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;

(xi) 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 and neglect;

(xii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated

reports in their casework files to assist in future risk and safety assessment;

(xiii) provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (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;

(xiv) the establishment of citizen review panels in accordance with subsection (c) of this section;

(xv) provisions, procedures, and mechanisms—

(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

(II) by which individuals who disagree with an official finding of child abuse or neglect can appeal such finding;

(xvi) provisions, procedures, and mechanisms that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—

(I) to have committed murder (which would have been an offense under section 1111(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

(II) to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter;

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

(V) to have committed sexual abuse against the surviving child or another child of such parent; or

(VI) to be required to register with a sex offender registry under section 16913(a) of this title;

(xvii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xvi), conviction of any one of the felonies listed in clause (xvi) constitute grounds under State law for the termination of pa-

rental 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);

(xviii) 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 or 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;

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

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

(xxi) 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 early intervention services funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

(xxii) provisions and procedures for requiring criminal background record checks that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household; and

(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;

(C) 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 infants with disabilities who have life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;

(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions); and

(iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the

authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions;

(D) a description of—

(i) the services to be provided under the grant to individuals, families, or communities, either directly or through referrals aimed at preventing the occurrence of child abuse and neglect;

(ii) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect;

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

(iv) policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;

(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

(vi) policies and procedures regarding the use of differential response, as applicable;

(E) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] comply with the requirements set forth in paragraph (1) and this paragraph;

(F) an assurance or certification that programs and training conducted under this subchapter address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.] and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.

Nothing in subparagraph (B) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and families.

(3) Limitation

With regard to clauses (vi) and (vii) of paragraph (2)(B), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

(4) Definitions

For purposes of this subsection—

(A) the term “near fatality” means an act that, as certified by a physician, places the child in serious or critical condition; and

(B) the term “serious bodily injury” means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(c) Citizen review panels**(1) Establishment****(A) In general**

Except as provided in subparagraph (B), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.

(B) Exceptions**(i) Establishment of panels by States receiving minimum allotment**

A State that receives the minimum allotment of \$175,000 under section 5116b(b)(1)(A) of this title for a fiscal year shall establish not less than 1 citizen review panel.

(ii) Designation of existing entities

A State may designate as panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

(2) Membership

Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect, and may include adult former victims of child abuse or neglect.

(3) Meetings

Each panel established pursuant to paragraph (1) shall meet not less than once every 3 months.

(4) Functions**(A) In general**

Each panel established pursuant to paragraph (1) shall, by examining the policies,

procedures, and practices of State and local agencies and where appropriate, specific cases, evaluate the extent to which State and local child protection system agencies are effectively discharging their child protection responsibilities in accordance with—

(i) the State plan under subsection (b) of this section;

(ii) the child protection standards set forth in subsection (b) of this section; and

(iii) any other criteria that the panel considers important to ensure the protection of children, including—

(I) a review of the extent to which the State and local child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.); and

(II) a review of child fatalities and near fatalities (as defined in subsection (b)(4) of this section).

(B) Confidentiality**(i) In general**

The members and staff of a panel established under paragraph (1)—

(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

(II) shall not make public other information unless authorized by State statute.

(ii) Civil sanctions

Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

(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).

(5) State assistance

Each State that establishes a panel pursuant to paragraph (1)—

(A) shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (4); and

(B) shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

(6) Reports

Each panel established under paragraph (1) shall prepare and make available to the State and the public, on an annual basis, a report containing a summary of the activities of the panel and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to

State and local child protection systems and the citizen review panel that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system.

(d) Annual State data reports

Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

(1) The number of children who were reported to the State during the year as victims of child abuse or neglect.

(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

- (A) substantiated;
- (B) unsubstantiated; or
- (C) determined to be false.

(3) Of the number of children described in paragraph (2)—

(A) the number that did not receive services during the year under the State program funded under this section or an equivalent State program;

(B) the number that received services during the year under the State program funded under this section or an equivalent State program; and

(C) the number that were removed from their families during the year by disposition of the case.

(4) The number of families that received preventive services, including use of differential response, from the State during the year.

(5) The number of deaths in the State during the year resulting from child abuse or neglect.

(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

(7)(A) The number of child protective service personnel responsible for the—

- (i) intake of reports filed in the previous year;
- (ii) screening of such reports;
- (iii) assessment of such reports; and
- (iv) investigation of such reports.

(B) The average caseload for the workers described in subparagraph (A).

(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

(9) The response time with respect to the provision of services to families and children where an allegation of child abuse or neglect has been made.

(10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

(A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

(B) data on the education, qualifications, and training of such personnel;

(C) demographic information of the child protective service personnel; and

(D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.

(11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse or neglect, including the death of the child.

(12) The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

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

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

(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

(17) The number of infants—

(A) identified under subsection (b)(2)(B)(ii);

(B) for whom a plan of safe care was developed under subsection (b)(2)(B)(iii); and

(C) for whom a referral was made for appropriate services, including services for the affected family or caregiver, under subsection (b)(2)(B)(iii).

(e) Annual report by Secretary

Within 6 months after receiving the State reports under subsection (d) of this section, the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse and neglect.

(f) Allotments

(1) Definitions

In this subsection:

(A) Fiscal year 2009 grant funds

The term “fiscal year 2009 grant funds” means the amount appropriated under section 5106h of this title for fiscal year 2009, and not reserved under section 5106h(a)(2) of this title.

(B) Grant funds

The term “grant funds” means the amount appropriated under section 5106h of this title for a fiscal year and not reserved under section 5106h(a)(2) of this title.

(C) State

The term “State” means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(D) Territory

The term “territory” means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(2) In general

Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—

(A) \$50,000; and

(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received \$50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

(3) Allotments for decreased appropriation years

In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

(4) Allotments for increased appropriation years**(A) Minimum allotments to States for increased appropriations years**

In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

(i) \$100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000 but less than \$2,000,000;

(ii) \$125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$2,000,000 but less than \$3,000,000; and

(iii) \$150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$3,000,000.

(B) Allotment adjustment

In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

(5) Hold harmless

Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.

(Pub. L. 93-247, title I, §106, formerly §8, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 110; renumbered title I, §107, Pub. L. 101-126, §3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; amended Pub. L. 102-295, title I, §114(a)–(c), May 28, 1992, 106 Stat. 192, 195; Pub. L. 102-586, §9(b), Nov. 4, 1992, 106 Stat. 5037; renumbered §106 and amended Pub. L. 104-235, title I, §§107, 113(a)(1)(A), Oct. 3, 1996, 110 Stat. 3071, 3079; Pub. L. 108-36, title I, §114(a)–(d), June 25, 2003, 117 Stat. 808–812; Pub. L. 111-320, title I, §115, Dec. 20, 2010, 124 Stat. 3467; Pub. L. 114-22, title VIII, §802(b), May 29, 2015, 129 Stat. 263; Pub. L. 114-198, title V, §503(b), (c), July 22, 2016, 130 Stat. 729, 730.)

AMENDMENT OF SECTION

Pub. L. 114-198, title V, §503(c)(2), July 22, 2016, 130 Stat. 730, provided that, effective May 29, 2017, subsection (d) of this section is amended by redesignating the paragraph (17) added by Pub. L. 114-198 as (18). See 2016 Amendment note below.

Pub. L. 114-22, title VIII, §802(a), (b), May 29, 2015, 129 Stat. 263, provided that, effective 2 years after May 29, 2015, this section is amended—

(1) in subsection (b)(2)(B)—

(A) in clause (xxii), by striking “and” at the end; and

(B) by adding at the end the following:

“(xiv) provisions and procedures requiring identification and assessment of all reports involving children known or suspected to be victims of sex trafficking (as defined in section 7102(10) of title 22); and

“(xv) provisions and procedures for training child protective services workers about identifying, assessing, and providing comprehensive services for children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population;”; and

(2) in subsection (d), by adding at the end the following:

“(17) The number of children determined to be victims described in subsection (b)(2)(B)(xiv).”

See 2015 Amendment notes below.

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (b)(2)(A), (E), (F) and (c)(4)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Parts B and E of title IV of the Act are classified generally to part B (§620 et seq.) and part E (§670 et seq.), respectively, of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsecs. (b)(2)(B)(xxi) and (d)(16), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175. Part C of the Act is classified generally to subchapter III (§1431 et seq.) of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (b)(2)(F), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482, which is classified principally to chapter 119 (§11301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

PRIOR PROVISIONS

A prior section 106 of Pub. L. 93-247 was renumbered section 105 and is classified to section 5106 of this title.

AMENDMENTS

2016—Subsec. (b)(2)(B)(ii). Pub. L. 114-198, § 503(b)(1), substituted “substance abuse” for “illegal substance abuse” in introductory provisions.

Subsec. (b)(2)(B)(iii). Pub. L. 114-198, § 503(b)(2), substituted “substance abuse” for “illegal substance abuse” and inserted before semicolon at end “to ensure the safety and well-being of such infant following release from the care of health care providers, including through—

“(I) addressing the health and substance use disorder treatment needs of the infant and affected family or caregiver; and

“(II) the development and implementation by the State of monitoring systems regarding the implementation of such plans to determine whether and in what manner local entities are providing, in accordance with State requirements, referrals to and delivery of appropriate services for the infant and affected family or caregiver”.

Subsec. (d)(17). Pub. L. 114-198, § 503(c)(1), added par. (17) relating to the number of infants described in subsec. (b)(2)(B)(ii) and (iii).

Subsec. (d)(18). Pub. L. 114-198, § 503(c)(2), redesignated par. (17) relating to the number of infants described in subsec. (b)(2)(B)(ii) and (iii) as (18).

2015—Subsec. (b)(2)(B)(xxiv), (xxv). Pub. L. 114-22, § 802(b)(1), added cls. (xxiv) and (xxv).

Subsec. (d)(17). Pub. L. 114-22, § 802(b)(2), added par. (17) relating to the number of children determined to be victims described in subsection (b)(2)(B)(xxiv).

2010—Pub. L. 111-320, § 115(a), substituted “child abuse or neglect” for “child abuse and neglect” in section catchline.

Subsec. (a). Pub. L. 111-320, § 115(b)(1), substituted “from allotments made under subsection (f) for” for “based on the population of children under the age of 18 in” in introductory provisions.

Subsec. (a)(1). Pub. L. 111-320, § 115(b)(2), substituted “child abuse or neglect” for “abuse and neglect”.

Subsec. (a)(2)(A). Pub. L. 111-320, § 115(b)(3)(A), inserted “, intra-agency, interstate, and intrastate” after “interagency”.

Subsec. (a)(2)(B)(i). Pub. L. 111-320, § 115(b)(3)(B), substituted “child abuse or neglect” for “abuse and neglect”.

Subsec. (a)(4). Pub. L. 111-320, § 115(b)(4), inserted “, including the use of differential response” after “protocols”.

Subsec. (a)(6)(A). Pub. L. 111-320, § 115(b)(5)(A), inserted “, including the use of differential response,” after “strategies”.

Subsec. (a)(6)(B) to (D). Pub. L. 111-320, § 115(b)(5)(B)–(D), in subpar. (B), struck out “and” at end, in subpar. (C), substituted “workers; and” for “workers;”, and added subpar. (D).

Subsec. (a)(8), (9). Pub. L. 111-320, § 115(b)(6)–(8), added par. (8), redesignated par. (10) as (9) and added subpar. (D), and struck out former pars. (8) and (9) which read as follows:

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

“(9) developing and facilitating research-based strategies for training for individuals mandated to report child abuse or neglect;”.

Subsec. (a)(10). Pub. L. 111-320, § 115(b)(7), (9), redesignated par. (11) as (10) and inserted “, including the use of differential response” before semicolon at end. Former par. (10) redesignated (9).

Subsec. (a)(11). Pub. L. 111-320, § 115(b)(7), redesignated par. (12) as (11). Former par. (11) redesignated (10).

Subsec. (a)(12). Pub. L. 111-320, § 115(b)(7), (10), redesignated par. (13) as (12) and struck out “or” at end. Former par. (12) redesignated (11).

Subsec. (a)(13). Pub. L. 111-320, § 115(b)(7), (11), redesignated par. (14) as (13), substituted “supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—” for “supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs”, inserted subpar. (A) designation before “to provide” and substituted “systems), and the use of differential response; and” for “systems) and”, and inserted subpar. (B) designation before “to address” and substituted “victims of child abuse or neglect;” for “abused or neglected” and “; or” for period at end.

Subsec. (a)(14). Pub. L. 111-320, § 115(b)(12), added par. (14). Former par. (14) redesignated (13).

Subsec. (b)(1). Pub. L. 111-320, § 115(c)(1), added par. (1) and struck out former par. (1) which related to requirement that a State submit a plan at the time of the initial grant application and every 5 years thereafter and additional requirement to provide notice of substantive changes and significant changes in how funds have been used.

Subsec. (b)(2). Pub. L. 111-320, § 115(c)(2)(H), substituted “subparagraph (B)” for “subparagraph (A)” in concluding provisions.

Pub. L. 111-320, § 115(c)(2)(B), substituted “Contents” for “Coordination” in heading and, in introductory provisions, substituted “A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this subchapter, including—” for “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 subchapter, including—”.

Subsec. (b)(2)(A). Pub. L. 111-320, § 115(c)(2)(B), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (b)(2)(B). Pub. L. 111-320, § 115(c)(2)(A), (C)(i), redesignated subpar. (A) as (B) and, in introductory provisions, substituted “Governor” for “chief executive officer” and “statewide” for “Statewide”. Former subpar. (B) redesignated (C).

Subsec. (b)(2)(B)(i). Pub. L. 111-320, § 115(c)(2)(C)(ii), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;”.

Subsec. (b)(2)(B)(ii). Pub. L. 111-320, § 115(c)(2)(C)(iii), in introductory provisions, inserted “with” after “born” and “or a Fetal Alcohol Spectrum Disorder,” after “drug exposure” and, in subcl. (I), inserted “or neglect” before semicolon at end.

Subsec. (b)(2)(B)(iii). Pub. L. 111-320, § 115(c)(2)(C)(iv), inserted “, or a Fetal Alcohol Spectrum Disorder” before semicolon at end.

Subsec. (b)(2)(B)(v). Pub. L. 111-320, § 115(c)(2)(C)(v), inserted “, including the use of differential response,” after “procedures”.

Subsec. (b)(2)(B)(vi). Pub. L. 111-320, § 115(c)(2)(C)(vi), substituted “a victim of child abuse or neglect” for “the abused or neglected child” and “danger of child abuse or neglect” for “danger of abuse or neglect”.

Subsec. (b)(2)(B)(ix). Pub. L. 111-320, § 115(c)(2)(C)(vii), substituted “child abuse and neglect” for “abuse and neglect”.

Subsec. (b)(2)(B)(xi). Pub. L. 111-320, § 115(c)(2)(C)(viii), substituted “and neglect” for “or neglect”.

Subsec. (b)(2)(B)(xiii). Pub. L. 111-320, § 115(c)(2)(C)(ix), in introductory provisions, substituted “a victim of child abuse or neglect” for “an abused or neglected child” and inserted “including training in early childhood, child, and adolescent development,” after “to the role.”.

Subsec. (b)(2)(B)(xv)(II). Pub. L. 111-320, § 115(c)(2)(C)(x), substituted “child abuse or neglect” for “abuse or neglect”.

Subsec. (b)(2)(B)(xvi)(V), (VI). Pub. L. 111-320, § 115(c)(2)(C)(xii), added subcls. (V) and (VI).

Subsec. (b)(2)(B)(xviii). Pub. L. 111-320, § 115(c)(2)(C)(xi), substituted “abuse or” for “abuse and”.

Subsec. (b)(2)(B)(xxi). Pub. L. 111-320, § 115(c)(2)(C)(xiii), inserted “(20 U.S.C. 1431 et seq.)” after “Individuals with Disabilities Education Act” and struck out “and” at end.

Subsec. (b)(2)(B)(xxii). Pub. L. 111-320, § 115(c)(2)(C)(xiv), struck out “not later than 2 years after June 25, 2003,” before “provisions” and inserted “that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))” after “checks” and “and” at end.

Subsec. (b)(2)(B)(xxiii). Pub. L. 111-320, § 115(c)(2)(C)(xv), added cl. (xxiii).

Subsec. (b)(2)(C). Pub. L. 111-320, § 115(c)(2)(A), (D), redesignated subpar. (B) as (C), substituted “infants with disabilities who have” for “disabled infants with” wherever appearing, and in cl. (iii) substituted “life-threatening” for “life threatening”. Former subpar. (C) redesignated (D).

Subsec. (b)(2)(D). Pub. L. 111-320, § 115(c)(2)(A), (E), redesignated subpar. (C) as (D) and added cls. (iv) to (vi). Former subpar. (D) redesignated (E).

Subsec. (b)(2)(E). Pub. L. 111-320, § 115(c)(2)(A), (F)(i), redesignated subpar. (D) as (E) and inserted “(42 U.S.C. 621 et seq.)”, which was translated as “[42 U.S.C. 620 et seq.]”, after “part B of title IV of the Social Security Act”.

Subsec. (b)(2)(F), (G). Pub. L. 111-320, § 115(c)(2)(F)(ii), (G), added subpars. (F) and (G).

Subsec. (b)(3). Pub. L. 111-320, § 115(c)(3), substituted “paragraph (2)(B)” for “paragraph (2)(A)”.

Subsec. (c)(2). Pub. L. 111-320, § 115(d)(1), inserted “, and may include adult former victims of child abuse or neglect” before period at end.

Subsec. (c)(4)(A)(iii)(I). Pub. L. 111-320, § 115(d)(2), inserted “(42 U.S.C. 670 et seq.)” after “Act”.

Subsec. (d)(1). Pub. L. 111-320, § 115(e)(1), substituted “as victims of child abuse or neglect” for “as abused or neglected”.

Subsec. (d)(4). Pub. L. 111-320, § 115(e)(2), inserted “, including use of differential response,” after “services”.

Subsec. (d)(7). Pub. L. 111-320, § 115(e)(3), added par. (7) and struck out former par. (7) which read as follows: “The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.”

Subsec. (d)(9). Pub. L. 111-320, § 115(e)(4), substituted “child abuse or neglect” for “abuse or neglect”.

Subsec. (d)(10). Pub. L. 111-320, § 115(e)(5), added par. (10) and struck out former par. (10) which read as follows: “The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.”

Subsec. (d)(11). Pub. L. 111-320, § 115(e)(6), substituted “or neglect” for “and neglect”.

Subsec. (d)(15), (16). Pub. L. 111-320, § 115(e)(7), added pars. (15) and (16).

Subsec. (e). Pub. L. 111-320, § 115(f), inserted “and neglect” before period at end.

Subsec. (f). Pub. L. 111-320, § 115(g), added subsec. (f). 2003—Subsec. (a)(3). Pub. L. 108-36, § 114(a)(1), inserted “, including ongoing case monitoring,” after “case management” and “and treatment” after “and delivery of services”.

Subsec. (a)(4). Pub. L. 108-36, § 114(a)(2), substituted “developing, improving, and implementing risk and safety assessment tools and protocols” for “improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems”.

Subsec. (a)(5). Pub. L. 108-36, § 114(a)(5), added par. (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 108-36, § 114(a)(6), substituted “including—” and subpars. (A) to (C) for “opportunities

and requirements for individuals overseeing and providing services to children and their families through the child protection system”.

Pub. L. 108-36, § 114(a)(4), redesignated par. (5) as (6). Former par. (6) redesignated (8).

Subsec. (a)(7). Pub. L. 108-36, § 114(a)(3), (7), added par. (7) and struck out former par. (7) which read as follows: “developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;”.

Subsec. (a)(8). Pub. L. 108-36, § 114(a)(4), redesignated par. (6) as (8). Former par. (8) redesignated (9).

Subsec. (a)(9). Pub. L. 108-36, § 114(a)(8), added par. (9) and struck out former par. (9) which related to programs to improve the provision of services for disabled infants with life-threatening conditions.

Pub. L. 108-36, § 114(a)(4), redesignated par. (8) as (9). Former par. (9) redesignated (12).

Subsec. (a)(10), (11). Pub. L. 108-36, § 114(a)(8), added pars. (10) and (11).

Subsec. (a)(12). Pub. L. 108-36, § 114(a)(4), (9), redesignated par. (9) as (12) and substituted a semicolon for period at end.

Subsec. (a)(13), (14). Pub. L. 108-36, § 114(a)(10), added pars. (13) and (14).

Subsec. (b)(1)(B). Pub. L. 108-36, § 114(b)(1)(A), substituted “Secretary—” for “Secretary”, “(i) of any substantive changes; and” for “of any substantive changes”, and “under this section; and” for “under this section.” and added cl. (ii).

Subsec. (b)(2). Pub. L. 108-36, § 114(b)(1)(C), inserted concluding provisions.

Subsec. (b)(2)(A)(ii), (iii). Pub. L. 108-36, § 114(b)(1)(B)(ii), added cls. (ii) and (iii). Former cls. (ii) and (iii) redesignated (iv) and (vi), respectively.

Subsec. (b)(2)(A)(iv). Pub. L. 108-36, § 114(b)(1)(B)(iii), inserted “risk and” before “safety assessment”.

Pub. L. 108-36, § 114(b)(1)(B)(i), redesignated cl. (ii) as (iv). Former cl. (iv) redesignated (vii).

Subsec. (b)(2)(A)(v). Pub. L. 108-36, § 114(b)(1)(B)(iv), added cl. (v). Former cl. (v) redesignated (viii).

Subsec. (b)(2)(A)(vi), (vii). Pub. L. 108-36, § 114(b)(1)(B)(i), redesignated cls. (iii) and (iv) as (vi) and (vii), respectively. Former cls. (vi) and (vii) redesignated (x) and (xi), respectively.

Subsec. (b)(2)(A)(viii). Pub. L. 108-36, § 114(b)(1)(B)(i), redesignated cl. (v) as (viii). Former cl. (viii) redesignated (xii).

Subsec. (b)(2)(A)(viii)(II). Pub. L. 108-36, § 114(b)(1)(B)(v), substituted “, as described in clause (ix)” for “, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect”.

Subsec. (b)(2)(A)(ix). Pub. L. 108-36, § 114(b)(1)(B)(vi), added cl. (ix). Former cl. (ix) redesignated (xiii).

Subsec. (b)(2)(A)(x) to (xii). Pub. L. 108-36, § 114(b)(1)(B)(i), redesignated cls. (vi) to (viii) as (x) to (xii), respectively. Former cls. (x) to (xii) redesignated (xiv) to (xvi), respectively.

Subsec. (b)(2)(A)(xiii). Pub. L. 108-36, § 114(b)(1)(B)(vii), inserted “who has received training appropriate to the role, and” after “guardian ad litem,” and “who has received training appropriate to that role” after “advocate”.

Pub. L. 108-36, § 114(b)(1)(B)(i), redesignated cl. (ix) as (xiii). Former cl. (xiii) redesignated (xvii).

Subsec. (b)(2)(A)(xiv). Pub. L. 108-36, § 114(b)(1)(B)(i), redesignated cl. (x) as (xiv).

Subsec. (b)(2)(A)(xv). Pub. L. 108-36, § 114(b)(1)(B)(viii), struck out “to be effective not later than 2 years after October 3, 1996” before dash at end of introductory provisions.

Pub. L. 108-36, § 114(b)(1)(B)(i), redesignated cl. (xi) as (xv).

Subsec. (b)(2)(A)(xvi). Pub. L. 108-36, § 114(b)(1)(B)(ix)(I), struck out “to be effective not later than 2 years after October 3, 1996,” after “mechanisms” in introductory provisions.

Pub. L. 108-36, § 114(b)(1)(B)(i), redesignated cl. (xii) as (xvi).

Subsec. (b)(2)(A)(xvi)(IV). Pub. L. 108-36, §114(b)(1)(B)(ix)(II), struck out “and” at end.

Subsec. (b)(2)(A)(xvii). Pub. L. 108-36, §114(b)(1)(B)(x), substituted “clause (xvi)” for “clause (xii)” in two places.

Pub. L. 108-36, §114(b)(1)(B)(i), redesignated cl. (xiii) as (xvii).

Subsec. (b)(2)(A)(xviii) to (xxii). Pub. L. 108-36, §114(b)(1)(B)(xi), added cls. (xviii) to (xxii).

Subsec. (b)(3). Pub. L. 108-36, §114(b)(2), substituted “With regard to clauses (vi) and (vii) of paragraph (2)(A)” for “With regard to clauses (v) and (vi) of paragraph (2)(A)”.

Subsec. (c)(4)(A). Pub. L. 108-36, §114(c)(1)(A)(i), in introductory provisions, substituted “, procedures, and practices” for “and procedures” and “State and local child protection system agencies” for “the agencies”.

Subsec. (c)(4)(A)(iii)(D). Pub. L. 108-36, §114(c)(1)(A)(ii), substituted “State and local” for “State”.

Subsec. (c)(4)(C). Pub. L. 108-36, §114(c)(1)(B), added subpar. (C).

Subsec. (c)(6). Pub. L. 108-36, §114(c)(2), substituted “State and the public” for “public” and inserted before period at end “and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to State and local child protection systems and the citizen review panel that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system”.

Subsec. (d)(13), (14). Pub. L. 108-36, §114(d), added pars. (13) and (14).

1996—Pub. L. 104-235 reenacted section catchline without change and amended text generally, revising and restating subssecs. (a) and (b), substituting provisions relating to citizen review panels for provisions relating to State program plan in subsec. (c), provisions relating to annual State data reports for provisions relating to waivers in subsec. (d), provisions relating to annual report by Secretary for provisions relating to reduction of funds in case of failure to obligate in subsec. (e), and striking out subssecs. (f) and (g) which related to child welfare services and compliance and education grants, respectively.

1992—Subsec. (a). Pub. L. 102-295, §114(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary, through the Center, is authorized to make grants to the States for purposes of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.”

Subsec. (b)(4). Pub. L. 102-586 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “provide for 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;”.

Subsec. (c). Pub. L. 102-295, §114(b), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 102-295, §114(b)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 102-295, §114(c), which directed the amendment of subsec. (d) by substituting “subsection (a) of this section” for “this subsection” in provisions preceding subparagraph (A), was executed by making the substitution the second place that phrase appeared in introductory provisions of par. (1) of subsec. (d) to reflect the probable intent of Congress.

Subsecs. (e) to (g). Pub. L. 102-295, §114(b)(1), redesignated subssecs. (d) to (f) as (e) to (g), respectively.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-198, title V, §503(c)(2), July 22, 2016, 130 Stat. 730, provided that the amendment made by section 503(c)(2) is effective on May 29, 2017.

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-22, title VIII, §802(a), May 29, 2015, 129 Stat. 263, provided that: “The amendments to the Child

Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) made by this section [amending this section and section 5106g of this title and provisions set out as a note under section 5101 of this title] shall take effect 2 years after the date of the enactment of this Act [May 29, 2015].”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-295, title I, §114(d), May 28, 1992, 106 Stat. 195, as amended by Pub. L. 103-171, §9(a), Dec. 2, 1993, 107 Stat. 1994, provided that: “The amendments described in subsections (a) and (b) [amending this section] are made upon the date of the enactment of this Act [May 28, 1992]. Such amendments take effect on October 1 of the first fiscal year for which \$40,000,000 or more is made available under subsection (a)(2)(B)(ii) of section 114 of the Child Abuse Prevention and Treatment Act [section 5106h(a)(2)(B)(ii) of this title] (as amended by section 117 of this Act). Prior to such amendments taking effect, section 107(a) of the Child Abuse Prevention and Treatment Act [subsec. (a) of this section], as in effect on the day before the date of the enactment of this Act, continues to be in effect.”

[Pub. L. 103-171, §9(b), Dec. 2, 1993, 107 Stat. 1994, provided that: “The amendments made by subsection (a) [amending section 114(d) of Pub. L. 102-295, set out above] take effect on September 30, 1993.”]

CONSTRUCTION OF 2016 AMENDMENT

Pub. L. 114-198, title V, §503(e), July 22, 2016, 130 Stat. 731, provided that: “Nothing in this section [enacting section 5108 of this title, amending this section and section 5104 of this title, and enacting provisions set out as a note above], or the amendments made by this section, shall be construed to authorize the Secretary of Health and Human Services or any other officer of the Federal Government to add new requirements to section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)), as amended by this section.”

REPORT

Pub. L. 108-36, title I, §114(e), June 25, 2003, 117 Stat. 812, required the Secretary of Health and Human Services to prepare and submit to Congress, not later than 2 years after June 25, 2003, a report describing the extent of State implementation of the policies and procedures required under section 5106a(b)(2)(B)(ii) of this title.

CONGRESSIONAL FINDINGS

Pub. L. 102-586, §9(a), Nov. 4, 1992, 106 Stat. 5036, provided that: “The Congress finds that—

“(1) circumstances surrounding the death of a young boy named Adam Mann in New York City prompted a shocking documentary focusing on the inability of child protection services to protect suffering children;

“(2) the documentary described in paragraph (1) showed the serious need for systemic changes in our child welfare protection system;

“(3) thorough, coordinated, and comprehensive investigation will, it is hoped, lead to the prevention of abuse, neglect, or death in the future;

“(4) an undue burden is placed on investigation due to strict Federal and State laws and regulations regarding confidentiality;

“(5) while the Congress recognizes the importance of maintaining the confidentiality of records pertaining to child abuse, neglect, and death, often the purpose of confidentiality laws and regulations are [sic] defeated when they have the effect of protecting those responsible;

“(6) comprehensive and coordinated interagency communication needs to be established, with adequate provisions to protect against the public disclosure of any detrimental information need to be established [sic];

“(7) certain States, including Georgia, North Carolina, California, Missouri, Arizona, Minnesota, Okla-

homa, and Oregon, have taken steps to establish by statute interagency, multidisciplinary fatality review teams to fully investigate incidents of death believed to be caused by child abuse or neglect;

“(8) teams such as those described in paragraph (7) should be established in every State, and their scope of review should be expanded to include egregious incidents of child abuse and neglect before the child in question dies; and

“(9) teams such as those described in paragraph (7) will increase the accountability of child protection services.”

§ 5106a-1. Repealed. Pub. L. 103-252, title IV, § 401(b)(2), May 18, 1994, 108 Stat. 672

Section, Pub. L. 93-247, title I, §107A, as added Pub. L. 101-226, §21, Dec. 12, 1989, 103 Stat. 1937; amended Pub. L. 102-295, title I, §115(a), May 28, 1992, 106 Stat. 195, related to emergency child abuse prevention services grants.

§ 5106b. Repealed. Pub. L. 104-235, title I, § 108, Oct. 3, 1996, 110 Stat. 3078

Section, Pub. L. 93-247, title I, §108, formerly §9, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 113; renumbered title I, §108, and amended Pub. L. 101-126, §3(a)(1), (2), (b)(4), Oct. 25, 1989, 103 Stat. 764, 765, related to technical assistance to States for child abuse prevention and treatment programs.

§ 5106c. Grants to States for programs relating to 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 assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;

(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;

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

(4) the assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of child 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 5106a(b) of this title;

(2) establish a task force as provided in subsection (c) of this section;

(3) fulfill the requirements of subsection (d) of this section;

(4) submit annually an application to the Secretary at such time and containing such information and assurances as the Secretary considers necessary, including an assurance that the State will—

(A) make such reports to the Secretary as may reasonably be required; and

(B) maintain and provide access to records relating to activities under subsections (a) and (b) of this section; and

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

(c) State task forces

(1) General rule

Except as provided in paragraph (2), a State requesting assistance under this section shall establish or designate, and maintain, a State multidisciplinary task force on children's justice (hereinafter referred to as "State task force") composed of professionals with knowledge and experience relating to the criminal justice system and issues of child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities. The State task force shall include—

(A) individuals representing the law enforcement community;

(B) judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect (including individuals involved with the defense as well as the prosecution of such cases);

(C) child advocates, including both attorneys for children and, where such programs are in operation, court appointed special advocates;

(D) health and mental health professionals;

(E) individuals representing child protective service agencies;

(F) individuals experienced in working with children with disabilities;

(G) parents;

(H) representatives of parents' groups;

(I) adult former victims of child abuse or neglect; and

(J) individuals experienced in working with homeless children and youths (as defined in section 11434a of this title).

(2) Existing task force

As determined by the Secretary, a State commission or task force established after January 1, 1983, with substantially comparable membership and functions, may be considered the State task force for purposes of this subsection.

(d) State task force study

Before a State receives assistance under this section, and at three year intervals thereafter, the State task force shall comprehensively—

(1) review and evaluate State investigative, administrative and both civil and criminal judicial handling of cases of child abuse and neglect, including child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal; and

(2) make policy and training recommendations in each of the categories described in subsection (e) of this section.

The task force may make such other comments and recommendations as are considered relevant and useful.