

programs, including domestic violence and sexual assault programs.”

[For definitions of terms used in section 1302(d)(2) of Pub. L. 106-386, set out above, see section 1002 of Pub. L. 106-386, set out as a note under section 10447 of this title.]

SUBCHAPTER III—CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS

§ 20331. Findings and purpose

(a) Findings

The Congress finds that—

(1) a large number of juvenile and family courts are inundated with increasing numbers of cases due to increased reports of abuse and neglect, increasing drug-related maltreatment, and insufficient court resources;

(2) the amendments made to the Social Security Act [42 U.S.C. 301 et seq.] by the Adoption Assistance and Child Welfare Act of 1980 make substantial demands on the courts handling abuse and neglect cases, but provide no assistance to the courts to meet those demands;

(3) the Adoption¹ and Child Welfare Act of 1980 requires courts to—

(A) determine whether the agency made reasonable efforts to prevent foster care placement;

(B) approve voluntary nonjudicial placement; and

(C) provide procedural safeguards for parents when their parent-child relationship is affected;

(4) social welfare agencies press the courts to meet such requirements, yet scarce resources often dictate that courts comply pro forma without undertaking the meaningful judicial inquiry contemplated by Congress in the Adoption¹ and Child Welfare Act of 1980;

(5) compliance with the Adoption¹ and Child Welfare Act of 1980 and overall improvements in the judicial response to abuse and neglect cases can best come about through action by top level court administrators and judges with administrative functions who understand the unique aspects of decisions required in child abuse and neglect cases; and

(6) the Adoption¹ and Child Welfare Act of 1980 provides financial incentives to train welfare agency staff to meet the requirements, but provides no resources to train judges.

(b) Purpose

The purpose of this subchapter is to provide expanded technical assistance and training to judicial personnel and attorneys, particularly personnel and practitioners in juvenile and family courts, to improve the judicial system’s handling of child abuse and neglect cases with specific emphasis on the role of the courts in addressing reasonable efforts that can safely avoid unnecessary and unnecessarily prolonged foster care placement.

(Pub. L. 101-647, title II, § 221, Nov. 29, 1990, 104 Stat. 4796; Pub. L. 103-322, title IV, § 40156(b)(2), Sept. 13, 1994, 108 Stat. 1923.)

¹ So in original. Probably should be “Adoption Assistance”.

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Adoption Assistance and Child Welfare Act of 1980, referred to in subsec. (a), is Pub. L. 96-272, June 17, 1980, 94 Stat. 500. For complete classification of this Act to the Code, see Short Title of 1980 Amendments note set out under section 1305 of Title 42, The Public Health and Welfare, and Tables.

CODIFICATION

Section was formerly classified to section 13021 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

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

§ 20332. Grants for juvenile and family court personnel

In order to improve the judicial system’s handling of child abuse and neglect cases, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants for the purpose of providing—

(1) technical assistance and training to judicial personnel and attorneys, particularly personnel and practitioners in juvenile and family courts; and

(2) administrative reform in juvenile and family courts.

(Pub. L. 101-647, title II, § 222, Nov. 29, 1990, 104 Stat. 4797.)

CODIFICATION

Section was formerly classified to section 13022 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20333. Specialized technical assistance and training programs

(a) Grants to develop model programs

(1) The Administrator shall make grants to national organizations to develop 1 or more model technical assistance and training programs to improve the judicial system’s handling of child abuse and neglect cases.

(2) An organization to which a grant is made pursuant to paragraph (1) shall be one that has broad membership among juvenile and family court judges and has demonstrated experience in providing training and technical assistance for judges, attorneys, child welfare personnel, and lay child advocates.

(b) Grants to juvenile and family courts

(1) In order to improve the judicial system’s handling of child abuse and neglect cases, the Administrator shall make grants to State courts or judicial administrators for programs that provide or contract for, the implementation of—

(A) training and technical assistance to judicial personnel and attorneys in juvenile and family courts; and

(B) administrative reform in juvenile and family courts.

(2) The criteria established for the making of grants pursuant to paragraph (1) shall give priority to programs that improve—

(A) procedures for determining whether child service agencies have made reasonable efforts to prevent placement of children in foster care;

(B) procedures for determining whether child service agencies have, after placement of children in foster care, made reasonable efforts to reunite the family;

(C) procedures for coordinating information and services among health professionals, social workers, law enforcement professionals, prosecutors, defense attorneys, and juvenile and family court personnel, consistent with subchapter I; and

(D) procedures for improving the judicial response to children who are vulnerable to human trafficking, to the extent an appropriate screening tool exists.

(c) Grant criteria

The Administrator shall make grants under subsections (a) and (b) consistent with sections 11172, 11183, and 11186 of this title.

(Pub. L. 101-647, title II, §223, Nov. 29, 1990, 104 Stat. 4797; Pub. L. 107-273, div. C, title II, §12221(b)(1)(D), Nov. 2, 2002, 116 Stat. 1894; Pub. L. 115-393, title V, §503, Dec. 21, 2018, 132 Stat. 5277; Pub. L. 115-424, §2(h)(5), Jan. 7, 2019, 132 Stat. 5470.)

CODIFICATION

Section was formerly classified to section 13023 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2019—Subsec. (c). Pub. L. 115-424 made technical amendment to reference in original act which appears in text as reference to sections 11183 and 11186 of this title.

2018—Subsec. (b)(2)(D). Pub. L. 115-393 added subpar. (D).

2002—Subsec. (c). Pub. L. 107-273 substituted “sections 5666, 5673, and 5676 of this title” for “section 5665a, 5673, and 5676 of this title”.

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 11101 of this title.

§ 20334. Authorization of appropriations

(a) Authorization

There is authorized to be appropriated to carry out this subchapter \$2,300,000 for each of fiscal years 2014 through 2018.

(b) Use of funds

Of the amounts appropriated in subsection (a), not less than 80 percent shall be used for grants under section 20333(b) of this title.

(c) 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.)¹ for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

(Pub. L. 101-647, title II, §224, Nov. 29, 1990, 104 Stat. 4798; Pub. L. 103-322, title IV, §40156(b)(1), Sept. 13, 1994, 108 Stat. 1923; Pub. L. 106-386, div. B, title III, §1302(b), Oct. 28, 2000, 114 Stat. 1511; Pub. L. 113-4, title XI, §1105, Mar. 7, 2013, 127 Stat. 135.)

REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (c), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109. Title II of the Act was classified principally to subchapter II (§5611 et seq.) of chapter 72 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter II (§11111 et seq.) of chapter 111 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 13024 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-4 substituted “\$2,300,000 for each of fiscal years 2014 through 2018.” for “\$2,300,000 for each of fiscal years 2001 through 2005.”

2000—Subsec. (a). Pub. L. 106-386 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “There are authorized to be appropriated to carry out this subchapter—

“(1) \$750,000 for fiscal year 1996;

“(2) \$1,000,000 for fiscal year 1997;

“(3) \$2,000,000 for fiscal year 1998;

“(4) \$2,000,000 for fiscal year 1999; and

“(5) \$2,300,000 for fiscal year 2000.”

1994—Subsec. (a). Pub. L. 103-322 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this chapter—

“(1) \$10,000,000 in fiscal year 1991; and

“(2) such sums as may be necessary to carry out this chapter in each of fiscal years 1992, 1993, and 1994.”

SUBCHAPTER IV—REPORTING REQUIREMENTS

§ 20341. Child abuse reporting

(a) In general

(1) Covered professionals

A person who, while engaged in a professional capacity or activity described in subsection (b) on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated under subsection (d) and to the agency or agencies provided for in subsection (e), if applicable.

(2) Covered individuals

A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual

¹ See References in Text note below.