

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, Oklahoma, 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);
- (3) fulfill the requirements of subsection (d);
- (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); 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).

**(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).

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

**(e) Adoption of State task force recommendations**

**(1) General rule**

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

(A) investigative, administrative, and 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, in a manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused;

(B) experimental, model, and demonstration programs for testing innovative ap-