

## 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.”

**§ 20322. 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.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 13012 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## 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.

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 20323. 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 11183 and 11186 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; Pub. L. 115-424, §2(h)(4), Jan. 7, 2019, 132 Stat. 5470.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 13013 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)(1). 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.

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".

**Statutory Notes and Related Subsidiaries**

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 11101 of this title.

**§ 20324. 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.)<sup>1</sup> 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.)

**Editorial Notes**

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. 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 13014 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 "fiscal years 2014 through 2018" for "fiscal years 2007 through 2011".

2006—Subsec. (a). Pub. L. 109-162, §112(e)(1), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: "There is authorized to be appropriated to carry out this subchapter \$12,000,000 for each of fiscal years 2001 through 2005."

Subsec. (c). Pub. L. 109-162, §112(e)(2), added subsec. (c).

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—

<sup>1</sup> See References in Text note below.