

[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-

proaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure procedural fairness to the accused; and

(C) reform of State laws, ordinances, regulations, protocols, and procedures to provide comprehensive protection for children, which may include those children involved in reports of child abuse or neglect with a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, from child abuse and neglect, including child sexual abuse and exploitation, while ensuring fairness to all affected persons.

(2) Exemption

As determined by the Secretary, a State shall be considered to be in fulfillment of the requirements of this subsection if—

(A) the State adopts an alternative to the recommendations of the State task force, which carries out the purpose of this section, in each of the categories under paragraph (1) for which the State task force's recommendations are not adopted; or

(B) the State is making substantial progress toward adopting recommendations of the State task force or a comparable alternative to such recommendations.

(f) Funds available

For grants under this section, the Secretary shall use the amount authorized by section 20104 of title 34.

(Pub. L. 93-247, title I, §107, formerly §10, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 113; renumbered title I, §109, and amended Pub. L. 101-126, §3(a)(1), (2), (b)(5), Oct. 25, 1989, 103 Stat. 764, 765; Pub. L. 102-295, title I, §116(a), May 28, 1992, 106 Stat. 195; renumbered §107 and amended Pub. L. 104-235, title I, §113(a)(1)(B), (2), Oct. 3, 1996, 110 Stat. 3079; Pub. L. 108-36, title I, §115, June 25, 2003, 117 Stat. 812; Pub. L. 111-320, title I, §116, Dec. 20, 2010, 124 Stat. 3474.)

Editorial Notes

PRIOR PROVISIONS

A prior section 107 of Pub. L. 93-247 was renumbered section 106 and is classified to section 5106a of this title.

AMENDMENTS

2010—Subsec. (a)(1), (2). Pub. L. 111-320, §116(1)(A), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

“(2) the handling of cases of suspected child abuse or neglect related fatalities;”.

Subsec. (a)(3). Pub. L. 111-320, §116(1)(B), substituted “including” for “particularly”.

Subsec. (a)(4). Pub. L. 111-320, §116(1)(C), substituted “the assessment and investigation” for “the handling” and “suspected victims of child abuse” for “victims of abuse”.

Subsec. (b)(1). Pub. L. 111-320, §116(2), made technical amendment to reference in original act which appears in text as reference to section 5106a(b) of this title.

Subsec. (c)(1)(I), (J). Pub. L. 111-320, §116(3), added subpars. (I) and (J).

Subsec. (d)(1). Pub. L. 111-320, §116(4), substituted “including” for “particularly” and inserted “intrastate,” before “interstate”.

Subsec. (e)(1)(A). Pub. L. 111-320, §116(5)(A), substituted “including” for “particularly” and inserted “intrastate,” before “interstate.”

Subsec. (e)(1)(B). Pub. L. 111-320, §116(5)(B), inserted a comma after “model” and substituted “improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children” for “improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse cases”.

Subsec. (e)(1)(C). Pub. L. 111-320, §116(5)(C), inserted a comma after “protocols” and “, which may include those children involved in reports of child abuse or neglect with a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal,” after “protection for children” and substituted “from child abuse and neglect” for “from abuse” and “including” for “particularly”.

Subsec. (f). Pub. L. 111-320, §116(6), made technical amendment to reference in original act which appears in text as reference to section 20104 of title 34.

2003—Subsec. (a)(4). Pub. L. 108-36 added par. (4).

1996—Subsec. (a). Pub. L. 104-235, §113(a)(2)(A), substituted “The Secretary, in consultation” for “The Secretary, acting through the Center and in consultation” in introductory provisions.

Subsec. (b)(1). Pub. L. 104-235, §113(a)(2)(B), substituted “section” for “sections”.

Subsec. (c)(1). Pub. L. 104-235, §113(a)(2)(C), inserted comma after “maintain” in introductory provisions and semicolon at end of subpar. (F).

Subsec. (d)(1). Pub. L. 104-235, §113(a)(2)(D), inserted “and” at end.

1992—Pub. L. 102-295, §116(a)(1), in section catchline inserted “and neglect” after “child abuse”.

Subsec. (a). Pub. L. 102-295, §116(a)(2), added pars. (1) to (3) and struck out former pars. (1) and (2) which read as follows:

“(1) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and

“(2) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.”

Subsec. (b)(1). Pub. L. 102-295, §116(a)(3)(A), substituted “sections 5106a(b) of this title” for “sections 5106a(b) and 5106a(e) of this title or receive a waiver under section 5106a(c) of this title”.

Subsec. (b)(4). Pub. L. 102-295, §116(a)(3)(C), inserted “annually” after “submit”.

Subsec. (b)(5). Pub. L. 102-295, §116(a)(3)(B), (D), added par. (5).

Subsec. (c)(1). Pub. L. 102-295, §116(a)(4), in introductory provisions inserted “, and maintain” after “designate” and substituted “child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities” for “child abuse”, in subpar. (B) substituted “judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect” for “judicial and legal officers”, in subpar. (C) inserted “, including both attorneys for children and, where such programs are in operation, court appointed special advocates”, and in subpar. (F) substituted “disabilities” for “handicaps”.

Subsec. (d). Pub. L. 102-295, §116(a)(5), in introductory provisions substituted “and at three year intervals thereafter, the State task force shall comprehensively” for “the State task force shall”, in par. (1) substituted “both civil and criminal judicial handling of cases of child abuse and neglect, particularly 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 interstate, Federal-State, and State-Tribal;” for “judicial handling of cases of child abuse, particularly child sexual abuse; and” and in par. (2) inserted “policy and training” before “recommendations”.

Subsec. (e)(1)(A). Pub. L. 102-295, §116(a)(6)(A), substituted “child abuse and neglect, particularly 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 interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim’s family” for “child abuse, particularly child sexual abuse cases, in a manner which reduces the additional trauma to the child victim”.

Subsec. (e)(1)(B). Pub. L. 102-295, §116(a)(6)(B), which directed substitution of “improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children” for “improve the rate” and all that followed through “abuse cases”, could not be executed because the phrase “abuse cases” appeared twice. See 2010 Amendment note above.

Subsec. (e)(1)(C). Pub. L. 102-295, §116(a)(6)(C), inserted “, protocols” after “regulations” and “and exploitation” after “sexual abuse”.

1989—Subsec. (b)(1). Pub. L. 101-126, §3(b)(5), made technical amendments to references to section 5106a of this title to reflect renumbering of corresponding section of original act.

§ 5106d. Miscellaneous requirements relating to assistance

(a) Construction of facilities

(1) Restriction on use of funds

Assistance provided under this subchapter and subchapter III may not be used for construction of facilities.

(2) Lease, rental, or repair

The Secretary may authorize the use of funds received under this subchapter and subchapter III—

(A) where adequate facilities are not otherwise available, for the lease or rental of facilities; or

(B) for the repair or minor remodeling or alteration of existing facilities.

(b) Geographical distribution

The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this subchapter and subchapter III among the States, among geographic areas of the Nation, and among rural and urban areas of the Nation. To the extent possible, the Secretary shall ensure that the citizens of each State receive assistance from at least one project under this subchapter and subchapter III.

(c) Limitation

No funds appropriated for any grant or contract pursuant to authorizations made in this