

ing” and substituted “community-based and prevention-focused” for “a Statewide network of community-based, prevention-focused” and “programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “family resource and support program”.

§ 5116a. Eligibility

A State shall be eligible for a grant under this subchapter for a fiscal year if—

(1)(A) the Governor of the State has designated a lead entity to administer funds under this subchapter for the purposes identified under the authority of this subchapter, including to develop, implement, operate, enhance, or expand community-based and prevention-focused, programs and activities designed to strengthen and support families to prevent child abuse and neglect;

(B) such lead entity is an existing public, quasi-public, or nonprofit private entity (which may be an entity that has not been established pursuant to State legislation, executive order, or any other written authority of the State) that exists to strengthen and support families to prevent child abuse and neglect with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

(C) in determining which entity to designate under subparagraph (A), the Governor should give priority consideration equally to a trust fund advisory board of the State or to an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

(D) in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this subchapter (as such subchapter was in effect on October 3, 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the Governor shall designate the lead entity only after full consideration of the capacity and expertise of all entities desiring to be designated under subparagraph (A);

(2) the Governor of the State provides assurances that the lead entity will provide or will be responsible for providing—

(A) community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, adult former victims of child abuse or neglect, and

public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

(B) direction through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, adult former victims of child abuse or neglect, and public sector and private nonprofit sector service providers, and parents with disabilities; and

(C) direction and oversight through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State, and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

(3) the Governor of the State provides assurances that the lead entity—

(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;

(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;

(C) has the capacity to provide operational support (both financial and programmatic)¹ training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities, parents with disabilities, and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

(Pub. L. 93-247, title II, §202, as added Pub. L. 104-235, title I, §121, Oct. 3, 1996, 110 Stat. 3081; amended Pub. L. 108-36, title I, §122, June 25, 2003, 117 Stat. 814; Pub. L. 111-320, title I, §133, Dec. 20, 2010, 124 Stat. 3479.)

Editorial Notes

PRIOR PROVISIONS

A prior section 5116a, Pub. L. 93-247, title II, §202, formerly Pub. L. 98-473, title IV, §403, Oct. 12, 1984, 98 Stat.

¹ So in original. Probably should be followed by a comma.

2197; renumbered §202 of Pub. L. 93-247, and amended Pub. L. 101-126, §§2(a), 3(a)(3), (c)(1), 4(b), Oct. 25, 1989, 103 Stat. 764, 766, defined “Secretary” and “State” as used in this subchapter, prior to the general amendment of this subchapter by Pub. L. 103-252, §401(a).

AMENDMENTS

2010—Par. (1). Pub. L. 111-320, §133(1), (2), substituted “Governor” for “chief executive officer” wherever appearing, and, in subpar. (A), inserted a comma after “enhance” and struck out “(through networks where appropriate)” after “child abuse and neglect”.

Par. (2). Pub. L. 111-320, §133(2)-(4), in introductory provisions, substituted “Governor” for “chief executive officer”, in subpar. (A), struck out “(through networks where appropriate)” after “child abuse and neglect”, in subpars. (A) and (B), inserted “adult former victims of child abuse or neglect,” after “parents,” and in subpar. (C), inserted a comma after “State”.

Par. (3). Pub. L. 111-320, §133(2), (3), in introductory provisions, substituted “Governor” for “chief executive officer”, and, in subpars. (A) to (C), struck out “(through networks where appropriate)” after “child abuse and neglect”.

2003—Par. (1)(A). Pub. L. 108-36, §122(1)(A), substituted “community-based and prevention-focused” for “a Statewide network of community-based, prevention-focused” and “programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network”.

Par. (1)(B). Pub. L. 108-36, §122(1)(B), inserted “that exists to strengthen and support families to prevent child abuse and neglect” after “written authority of the State”.

Par. (2)(A). Pub. L. 108-36, §122(2)(A), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “a network of community-based family resource and support programs”.

Par. (2)(B). Pub. L. 108-36, §122(2)(B), struck out “to the network” after “direction” and inserted “, and parents with disabilities” before semicolon.

Par. (2)(C). Pub. L. 108-36, §122(2)(C), struck out “to the network” after “direction and oversight”.

Par. (3)(A). Pub. L. 108-36, §122(3)(A), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “Statewide network of community-based, prevention-focused, family resource and support programs”.

Par. (3)(B). Pub. L. 108-36, §122(3)(B), substituted “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “Statewide network of community-based, prevention-focused, family resource and support programs”.

Par. (3)(C). Pub. L. 108-36, §122(3)(C), substituted “training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)” for “and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs”.

Par. (3)(D). Pub. L. 108-36, §122(3)(D), inserted “, parents with disabilities,” after “children with disabilities”.

§ 5116b. Amount of grant

(a) Reservation

The Secretary shall reserve 1 percent of the amount appropriated under section 5116i¹ of this title for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

(b) Remaining amounts

(1) In general

The Secretary shall allot the amount appropriated under section 5116i¹ of this title for a fiscal year and remaining after the reservation under subsection (a) among the States as follows:

(A) 70 percent

70 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the number of children under the age of 18 residing in the State bears to the total number of children under the age of 18 residing in all States (except that no State shall receive less than \$175,000 under this subparagraph).

(B) 30 percent

30 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated State lead entity in the preceding fiscal year bears to the aggregate of the amounts leveraged by all States from private, State, or other non-Federal sources and directed through the current lead entity of such States in the preceding fiscal year.

(2) Additional requirement

The Secretary shall provide allotments under paragraph (1) to the State lead entity.

(c) Allocation

Funds allotted to a State under this section—

- (1) shall be for a 3-year period; and
- (2) shall be provided by the Secretary to the State on an annual basis, as described in subsection (b).

(Pub. L. 93-247, title II, §203, as added Pub. L. 104-235, title I, §121, Oct. 3, 1996, 110 Stat. 3082; amended Pub. L. 108-36, title I, §123, June 25, 2003, 117 Stat. 815; Pub. L. 111-320, title I, §134, Dec. 20, 2010, 124 Stat. 3479.)

Editorial Notes

REFERENCES IN TEXT

Section 5116i of this title, referred to in subsecs. (a) and (b)(1), was in the original “section 210”, and was translated as meaning section 209 of Pub. L. 93-247 to reflect the probable intent of Congress and the redesignation of section 210 as 209 by Pub. L. 111-320, title I, §141, Dec. 20, 2010, 124 Stat. 3482.

PRIOR PROVISIONS

A prior section 5116b, Pub. L. 93-247, title II, §203, formerly Pub. L. 98-473, title IV, §404, Oct. 12, 1984, 98 Stat.

¹ See References in Text note below.