

tion (a) of this section, for the purposes prescribed in section 5056 of this title.

(As amended Pub. L. 101-204, title VIII, § 803, Dec. 7, 1989, 103 Stat. 1824; Pub. L. 103-82, title III, § 383, Sept. 21, 1993, 107 Stat. 915.)

AMENDMENTS

1993—Pub. L. 103-82 amended section generally. Prior to amendment, section read as follows:

"(a) There is authorized to be appropriated for the administration of this chapter, as authorized in subchapter IV of this chapter, \$25,312,000 for each of the fiscal years 1987, 1988, and 1989. In addition to the amounts authorized to be appropriated for the administration of this chapter by the preceding sentence, there is authorized to be appropriated the aggregate sum of \$500,000 for fiscal years 1987 and 1988 to be available for support of drug abuse prevention.

"(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this chapter, as authorized in subchapter IV of this chapter, 20 percent of the total amount appropriated under sections 5081 and 5082 of this title."

1989—Pub. L. 101-204 designated existing provisions as subsec.(a) and added subsec. (b).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 392 of Pub. L. 103-82, set out as a note under section 4951 of this title.

SUBCHAPTER VI—YOUTHBUILD PROJECTS

§§ 5091 to 5091n. Repealed. Pub. L. 103-82, title III, § 385, Sept. 21, 1993, 107 Stat. 915

Section 5091, Pub. L. 93-113, title VII, § 701, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3172, set forth purpose of this subchapter.

Section 5091a, Pub. L. 93-113, title VII, § 702, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3173, authorized Federal grants for Youthbuild projects.

Section 5091b, Pub. L. 93-113, title VII, § 703, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3173, related to service in construction and rehabilitation projects.

Section 5091c, Pub. L. 93-113, title VII, § 704, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3174, related to education and job training services.

Section 5091d, Pub. L. 93-113, title VII, § 705, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3174, set forth permitted uses of funds provided under this subchapter.

Section 5091e, Pub. L. 93-113, title VII, § 706, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3175, set forth eligibility requirements for participants.

Section 5091f, Pub. L. 93-113, title VII, § 707, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3175, provided living allowance for full-time program participants.

Section 5091g, Pub. L. 93-113, title VII, § 708, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3176, directed that services and activities be carried out through arrangements or under contracts with certain entities.

Section 5091h, Pub. L. 93-113, title VII, § 709, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3176, directed prescribing of standards for evaluating performance of projects.

Section 5091i, Pub. L. 93-113, title VII, § 710, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3176, related to applications for grants.

Section 5091j, Pub. L. 93-113, title VII, § 711, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3177, set forth criteria for selection of projects.

Section 5091k, Pub. L. 93-113, title VII, § 712, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3177, authorized management and technical assistance for projects.

Section 5091l, Pub. L. 93-113, title VII, § 713, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3178, defined terms for purposes of this subchapter.

Section 5091m, Pub. L. 93-113, title VII, § 715, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3179; amended Pub. L. 102-10, § 10, Mar. 12, 1991, 105 Stat. 32, directed issuance of necessary regulations.

Section 5091n, Pub. L. 93-113, title VII, § 716, as added Pub. L. 101-610, title II, § 211, Nov. 16, 1990, 104 Stat. 3179, authorized appropriations to carry out this subchapter.

EFFECTIVE DATE OF REPEAL

Subchapter repealed effective Oct. 1, 1993, see section 392 of Pub. L. 103-82, set out as an Effective Date of 1993 Amendment note under section 4951 of this title.

CHAPTER 67—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM

SUBCHAPTER I—GENERAL PROGRAM

Sec.

5106a-1. Emergency child abuse prevention services grant.

- (a) Establishment.
- (b) Eligible entities.
- (c) Application.
- (d) Use of funds.
- (e) Authorization of appropriations.

5106f-1. Report concerning voluntary reporting system.

SUBCHAPTER II—ADOPTION OPPORTUNITIES

5112. Repealed.

SUBCHAPTER III—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

5116. Purposes.

5116a. Definitions.

5116b. Grants authorized.

- (a) In general.
- (b) Authorization of appropriations.

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- (a) Grant allotments; use of grant; "children" defined.
- (b) Application.

5116e. Withholding.

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SUBCHAPTER V—CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS

5118. Demonstration grants for prevention of inappropriate separation from family and for prevention of child abuse and neglect.

- (a) Establishment of program.
- (b) Minimum qualifications of grantees.
- (c) Requirement of matching funds.

5118a. Provisions with respect to carrying out purpose of demonstration grants.

- (a) Joint training of appropriate service personnel.
- (b) Additional authorized activities.

5118b. Additional required agreements.

- (a) Reports to Secretary.
- (b) Evaluation by Secretary.
- (c) Report to Congress.
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- Sec.
- 5118c. Description of intended uses of grant.
- 5118d. Requirement of submission of application.
- 5118e. Authorization of appropriations.
 - (a) In general.
 - (b) Availability of appropriations.

SUBCHAPTER VI—CHILD ABUSE CRIME INFORMATION AND BACKGROUND CHECKS

- 5119. Reporting child abuse crime information.
 - (a) In general.
 - (b) Provision of State child abuse crime records through national criminal history background check system.
 - (c) Liaison.
 - (d) Annual summary.
 - (e) Annual report.
 - (f) Study of child abuse offenders.
- 5119a. Background checks.
 - (a) In general.
 - (b) Guidelines.
 - (c) Regulations.
 - (d) Liability.
 - (e) Fees.
- 5119b. Funding for improvement of child abuse crime information.
 - (a) Omitted.
 - (b) Additional funding grants for improvement of child abuse crime information.
 - (c) Withholding State funds.
- 5119c. Definitions.

SUBCHAPTER I—GENERAL PROGRAM

CODIFICATION

This subchapter is comprised of title I of the Child Abuse Prevention and Treatment Act, Pub. L. 93-247. Titles II and III of that Act are classified to subchapters III (§ 5116 et seq.) and V (§ 5118 et seq.) of this chapter.

§ 5101. National Center on Child Abuse and Neglect

[See main edition for text of (a)]

(b) Appointment of Director

(1) Appointment

The Secretary shall appoint a Director of the Center. Except as otherwise provided in this subchapter and subchapters III and V of this chapter, the Director shall be responsible only for administration and operation of the Center and for carrying out the functions of the Center under this subchapter and subchapters III and V of this chapter. The Director shall have experience in the field of child abuse and neglect.

[See main edition for text of (2)]

(c) Other staff and resources

The Secretary shall make available to the Center such staff and resources as are necessary for the Center to carry out effectively its functions under this subchapter and subchapters III and V of this chapter. The Secretary shall require that professional staff have experience relating to child abuse and neglect. The Secretary is required to justify, based on the priorities and needs of the Center, the hiring of any professional staff member who does not have experience relating to child abuse and neglect.

(Pub. L. 93-247, title I, § 101, formerly § 2, Jan. 31, 1974, 88 Stat. 5; Pub. L. 93-644, § 8(d)(1),

Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95-266, title I, § 101, Apr. 24, 1978, 92 Stat. 205; Pub. L. 98-457, title I, § 101, Oct. 9, 1984, 98 Stat. 1749; Pub. L. 99-401, title I, § 103(a), Aug. 27, 1986, 100 Stat. 906; Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 103; renumbered title I, § 101, Pub. L. 101-126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764.)

CODIFICATION

Subsecs. (b)(1) and (c) are set out in this supplement to update translations appearing therein.

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-209, § 1, Dec. 20, 1993, 107 Stat. 2490, provided that: "This Act [enacting sections 5119 to 5119c of this title and amending section 3759 of this title] may be cited as the 'National Child Protection Act of 1993'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-295, § 1(a), May 28, 1992, 106 Stat. 187, provided that: "This Act [enacting sections 5106f-1, 10414, and 10415 of this title, amending sections 5102, 5105, 5106, 5106a, 5106a-1, 5106c, 5106h, 5111, 5113, 5115, 5116, 5116b to 5116d, 5117c, 5117d, 5118e, 10401 to 10405, 10407 to 10410, 10412, and 10413 of this title, repealing section 5112 of this title, and enacting provisions set out as notes under this section and sections 5106a, 5106h, 5117, 10401, and 10402 of this title] may be cited as the 'Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992'."

SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101-126 provided that: "This Act [amending this section and sections 5102 to 5106h and 5116 to 5116g of this title and enacting provisions set out as notes under section 5102 and 5116b of this title] may be cited as the 'Child Abuse Prevention Challenge Grants Reauthorization Act of 1989'."

CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 93-247, as added by Pub. L. 102-295, title I, § 102(a), May 28, 1992, 106 Stat. 188, provided that: "Congress finds that—

"(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;

"(2) many of these children and their families fail to receive adequate protection or treatment;

"(3) the problem of child abuse and neglect requires a comprehensive approach that—

"(A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;

"(B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;

"(C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;

"(D) ensures properly trained and support staff with specialized knowledge, to carry out their child protection duties; and

"(E) is sensitive to ethnic and cultural diversity;

"(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;

"(5) all elements of American society have a shared responsibility in responding to this national child and family emergency;

"(6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

"(7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

"(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

"(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

"(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

"(11) the Federal government should provide leadership and assist communities in their child protection efforts by—

"(A) promoting coordinated planning among all levels of government;

"(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

"(C) strengthening the capacity of States to assist communities;

"(D) allocating sufficient financial resources to assist States in implementing community plans;

"(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

"(F) providing leadership to end the abuse and neglect of the nation's children and youth."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5106g, 5107, 5116d of this title.

§ 5102. Advisory Board on Child Abuse and Neglect

[See main edition for text of (a) to (e)]

(f) Duties

The board shall—

(1) annually submit to the Secretary and the appropriate committees of Congress a report containing—

[See main edition for text of (A)]

(B) recommendations as to carrying out the purposes of this subchapter and subchapters III and V of this chapter;

(2) annually submit to the Secretary and the Director a report containing long-term and short-term recommendations on—

[See main edition for text of (A) to (D)]

(E) areas to which the Secretary should provide grant and contract priorities under sections 5105 and 5106 of this title;

(3) annually review the budget of the Center and submit to the Director a report concerning such review; and

(4) not later than 24 months after May 28, 1992, submit to the Secretary and the appropriate committees of the Congress a report containing the recommendations of the Board with respect to—

(A) a national policy designed to reduce and ultimately to prevent child and youth maltreatment-related deaths, detailing appropriate roles and responsibilities for State and local governments and the private sector;

(B) specific changes needed in Federal laws and programs to achieve an effective Federal role in the implementation of the policy specified in subparagraph (A); and

(C) specific changes needed to improve national data collection with respect to child and youth maltreatment-related deaths.

[See main edition for text of (g)]

(h) Authorization of appropriations

There are authorized to be appropriated to carry out this section, \$1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(Pub. L. 93-247, title I, § 102, formerly § 3, Jan. 31, 1974, 88 Stat. 5; Pub. L. 95-266, title I, § 102, Apr. 24, 1978, 92 Stat. 206; Pub. L. 98-457, title I, §§ 102, 121, Oct. 9, 1984, 98 Stat. 1750, 1752; Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 103; renumbered title I, § 102, and amended Pub. L. 101-126, § 3(a)(1), (2), (b)(1), Oct. 25, 1989, 103 Stat. 764; Pub. L. 102-295, title I, § 111, May 28, 1992, 106 Stat. 190.)

CODIFICATION

Subsec. (f)(1)(B) is set out in this supplement to update translations appearing therein.

May 28, 1992, referred to in subsec. (f)(4), was in the original "the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992", which was translated as meaning the date of enactment of Pub. L. 102-295, known as the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, which enacted subsec. (f)(4), to reflect the probable intent of Congress.

AMENDMENTS

1992—Subsec. (f)(4). Pub. L. 102-295, § 111(a), added par. (4).

Subsec. (h). Pub. L. 102-295, § 111(b), added subsec. (h).

1989—Subsecs. (c)(1)(A), (e), (f)(2)(E). Pub. L. 101-126, § 3(b)(1), made technical amendments to references to sections 5103, 5105, and 5106 of this title to reflect renumbering of corresponding sections of original act.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 8 of Pub. L. 101-126 provided that: "This Act and the amendments made by this Act [see Short Title of 1989 Amendment note set out under section 5101 of this title] shall take effect October 1, 1989, or upon the date of the enactment of this Act [Oct. 25, 1989], whichever occurs later."

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General

Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 5103. Inter-Agency Task Force on Child Abuse and Neglect

[See main edition for text of (a) to (c)]

(d) Duties

The task force shall—

[See main edition for text of (1) and (2)]

(3) coordinate the use of grants received under this subchapter and subchapters III and V of this chapter with the use of grants received under other programs;

[See main edition for text of (4)]

(5) coordinate adoption related activities, develop Federal standards with respect to adoption activities under this subchapter and subchapters III and V of this chapter, and prevent duplication with respect to the allocation of resources to adoption activities.

[See main edition for text of (e) and (f)]

(Pub. L. 93-247, title I, § 103, formerly § 4, Jan. 31, 1974, 88 Stat. 5; Pub. L. 93-644, § 8(d)(2), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95-266, title I, § 103, Apr. 24, 1978, 92 Stat. 206; Pub. L. 98-457, title I, §§ 103, 122, 123, Oct. 9, 1984, 98 Stat. 1750, 1752, 1753; Pub. L. 99-401, title I, § 102(a), Aug. 27, 1986, 100 Stat. 903; Pub. L. 100-117, § 1, Sept. 28, 1987, 101 Stat. 751; Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 105; renumbered title I, § 103, Pub. L. 101-126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764.)

CODIFICATION

Subsec. (d)(3), (5) is set out in this supplement to update translations appearing therein.

§ 5104. National clearinghouse for information relating to child abuse

[See main edition for text of (a)]

(b) Functions

The Director shall, through the clearinghouse established by subsection (a) of this section—

(1) maintain, coordinate, and disseminate information on all programs, including private programs, that show promise of success with respect to the prevention, identification, and treatment of child abuse and neglect, including the information provided by the National Center for Child Abuse and Neglect under section 5105(b) of this title;

(2) maintain and disseminate information relating to—

(A) the incidence of cases of child abuse and neglect in the general population;

(B) the incidence of such cases in populations determined by the Secretary under section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988;

(C) the incidence of any such cases related to alcohol or drug abuse; and

(D) State and local recordkeeping with respect to such cases; and

(3) directly or through contract, identify effective programs carried out by the States pursuant to subchapter III of this chapter and provide technical assistance to the States in the implementation of such programs.

[See main edition for text of (c)]

(Pub. L. 93-247, title I, § 104, formerly § 5, Jan. 31, 1974, 88 Stat. 7; Pub. L. 95-266, title I, § 104, Apr. 24, 1978, 92 Stat. 206; Pub. L. 98-457, title I, § 104, Oct. 9, 1984, 98 Stat. 1751; Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 105; renumbered title I, § 104, and amended Pub. L. 101-126, §§ 3(a)(1), (2), (b)(2), 6, Oct. 25, 1989, 103 Stat. 764, 765, 768.)

REFERENCES IN TEXT

Section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988, referred to in subsec. (b)(2)(B), is section 105(a)(1) of Pub. L. 100-294, which is set out as a note under section 5105 of this title.

AMENDMENTS

1989—Subsec. (b)(1), Pub. L. 101-126, § 3(b)(2)(A), made technical amendment to reference to section 5105(b) of this title to reflect renumbering of corresponding section of original act.

Subsec. (b)(2)(B), Pub. L. 101-126, § 3(b)(2)(B), inserted "of the Child Abuse Prevention, Adoption, and Family Services Act of 1988" after "section 105(a)(1)".

Subsec. (b)(3), Pub. L. 101-126, § 6, added par. (3).

§ 5105. Research and assistance activities of the National Center on Child Abuse and Neglect

(a) Research

(1) Topics

The Secretary shall, through the Center, conduct research on—

(A) the causes, prevention, identification,¹ treatment and cultural distinctions of child abuse and neglect;

(B) appropriate, effective and culturally sensitive investigative, administrative, and judicial procedures with respect to cases of child abuse; and

(C) the national incidence of child abuse and neglect, including—

[See main edition for text of (i)]

(ii) the relationship of child abuse and neglect to nonpayment of child support, cultural diversity, disabilities, and various other factors; and

[See main edition for text of (iii), (2)]

(b) Publication and dissemination of information

The Secretary shall, through the Center—

(1) as a part of research activities, establish a national data collection and analysis program—

(A) which, to the extent practicable, coordinates existing State child abuse and neglect reports and which shall include—

¹ So in original.

- (i) standardized data on false, unfounded, or unsubstantiated reports; and
- (ii) information on the number of deaths due to child abuse and neglect; and

(B) which shall collect, compile, analyze, and make available State child abuse and neglect reporting information which, to the extent practical, is universal and case specific, and integrated with other case-based foster care and adoption data collected by the Secretary;

[See main edition for text of (2) to (5)]

(c) Provision of technical assistance

The Secretary shall, through the Center, provide technical assistance to public and nonprofit private agencies and organizations, including disability organizations and persons who work with children with disabilities, to assist such agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect.

[See main edition for text of (d)]

(e) Peer review for grants

(1) Establishment of peer review process

(A) The Secretary shall establish a formal peer review process for purposes of evaluating and reviewing applications for grants and contracts under this section and determining the relative merits of the projects for which such assistance is requested.

(B) In establishing the process required by subparagraph (A), the Secretary shall appoint to the peer review panels only members who are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise in the application to be reviewed, and who are not individuals who are officers or employees of the Office of Human Development. The panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but may not meet less than once a year.

(2) Review of applications for assistance

Each peer review panel established under paragraph (1)(A) that reviews any application for a grant, contract, or other financial assistance shall—

(A) determine and evaluate the merit of each project described in such application;

(B) rank such application with respect to all other applications it reviews in the same priority area for the fiscal year involved, according to the relative merit of all of the projects that are described in such application and for which financial assistance is requested; and

(C) make recommendations to the Secretary concerning whether the application for the project shall be approved.

(3) Notice of approval

(A) The Secretary shall provide grants and contracts under this section from among the projects which the peer review panels established under paragraph (1)(A) have determined to have merit.

[See main edition for text of (B)]

(Pub. L. 93-247, title I, § 105, formerly § 6, Jan. 31, 1974, 88 Stat. 7; Pub. L. 95-266, title I, § 105, Apr. 24, 1978, 92 Stat. 207; Pub. L. 98-457, title I, § 105, Oct. 9, 1984, 98 Stat. 1751; Pub. L. 99-401, title I, § 104, Aug. 27, 1986, 100 Stat. 906; Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 106; renumbered title I, § 105, and amended Pub. L. 101-126, § 3(a)(1), (2), (b)(3), Oct. 25, 1989, 103 Stat. 764, 765; Pub. L. 102-295, title I, §§ 112, 141(5), May 28, 1992, 106 Stat. 190, 200.)

AMENDMENTS

1992—Subsec. (a)(1)(A). Pub. L. 102-295, § 112(a)(1), substituted “, treatment and cultural distinctions of” for “and treatment of”.

Subsec. (a)(1)(B). Pub. L. 102-295, § 112(a)(2), substituted “appropriate, effective and culturally sensitive” for “appropriate and effective”.

Subsec. (a)(1)(C)(ii). Pub. L. 102-295, §§ 112(a)(3), 141(5), substituted “child support, cultural diversity, disabilities” for “child support, handicaps”.

Subsec. (b)(1). Pub. L. 102-295, § 112(b), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “as a part of research activities establish a national data collection and analysis program, which, to the extent practical, coordinates existing State child abuse and neglect reports and which shall include—

“(A) standardized data on false, unfounded, or unsubstantiated reports; and

“(B) information on the number of deaths due to child abuse and neglect;”.

Subsec. (c). Pub. L. 102-295, § 141(5), substituted “disabilities” for “handicaps”.

Subsec. (e)(1)(A). Pub. L. 102-295, § 112(c)(1)(A), inserted “and reviewing” after “evaluating”.

Subsec. (e)(1)(B). Pub. L. 102-295, § 112(c)(1)(B), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “Members of peer review panels shall be appointed by the Secretary from among individuals who are not officers or employees of the Office of Human Development Services. In making appointments to such panels, the Secretary shall include only experts in the field of child abuse and neglect.”

Subsec. (e)(2)(A). Pub. L. 102-295, § 112(c)(2)(A), inserted “and evaluate” after “determine”.

Subsec. (e)(2)(C). Pub. L. 102-295, § 112(c)(2)(B), added subpar. (C).

Subsec. (e)(3)(A). Pub. L. 102-295, § 112(c)(3), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “At the end of each application process, the Secretary shall make available upon request, no later than 14 days after the request, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate the list which identifies all applications reviewed by such panel and arranges such applications according to rank determined under paragraph (2) and a list of all applications funded.”

1989—Subsecs. (a)(2)(A), (b)(3). Pub. L. 101-126, § 3(b)(3), made technical amendments to references to sections 5104, 5106, and 5106c of this title to reflect renumbering of corresponding sections of original act.

§ 5106. Grants to public agencies and nonprofit private organizations for demonstration or service programs and projects

(a) General authority

(1) Demonstration or service programs and projects

The Secretary, through the Center, shall, in accordance with subsections (b) and (c) of

this section, make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations of such agencies or organizations) for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect.

(2) Evaluations

In making grants or entering into contracts for demonstration projects, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or contract, or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.

[See main edition for text of (b)]

(c) Discretionary grants

In addition to grants or contracts made under subsection (b) of this section, grants or contracts under this section may be used for the following:

(1) Training programs—

(A) for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect;

(B) to provide culturally specific instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of children, including parents of and persons who work with children with disabilities; or

(C) to improve the recruitment, selection, and training of volunteers serving in private and public nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally.

[See main edition for text of (2) to (5)]

(6)(A) Providing hospital-based information and referral services to—

(i) parents of children with disabilities; and

[See main edition for text of (ii)]

(B) Except as provided in subparagraph (C)(iii), services provided under a grant received under this paragraph shall be provided at the hospital involved—

(i) upon the birth or admission of a child with disabilities; and

[See main edition for text of (ii)]

(C) Services, as determined as appropriate by the grantee, provided under a grant received under this paragraph shall be hospital-based and shall consist of—

[See main edition for text of (i)]

(ii) the provision of appropriate information to parents of a child with disabilities regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child;

[See main edition for text of (iii) to (v)]

The grantee shall assure that parental involvement described in this subparagraph is voluntary.

[See main edition for text of (D) and (E), (7)]

(Pub. L. 93-247, title I, § 106, formerly § 7, Jan. 31, 1974, 88 Stat. 8; Pub. L. 98-457, title I, § 106, Oct. 9, 1984, 98 Stat. 1751; Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 108; renumbered title I, § 106, Pub. L. 101-126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; Pub. L. 102-295, title I, §§ 113, 141(1), (2), (5), May 28, 1992, 106 Stat. 191, 199, 200.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-295, § 113(a), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (c)(1)(B). Pub. L. 102-295, § 141(5), substituted "disabilities" for "handicaps".

Pub. L. 102-295, § 113(b)(1), inserted "culturally specific" before "instruction".

Subsec. (c)(1)(C). Pub. L. 102-295, § 113(b)(2), added subpar. (C).

Subsec. (c)(6)(A)(i). Pub. L. 102-295, § 141(5), substituted "children with disabilities" for "children with handicaps".

Subsec. (c)(6)(B)(i). Pub. L. 102-295, § 141(1), substituted "child with disabilities" for "handicapped child".

Subsec. (c)(6)(C)(ii). Pub. L. 102-295, § 141(2), substituted "child with disabilities" for "child with handicaps".

§ 5106a. Grants to States for child abuse and neglect prevention and treatment programs

(a) Development and operation grants

The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

(B) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

(C) improving legal preparation and representation;

(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, in-

formation referral systems, and the overall training of staff to meet minimum competencies; or

(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs.

Not more than 15 percent of a grant under this subsection may be expended for carrying out paragraph (5). The preceding sentence does not apply to any program or activity authorized in any of paragraphs (1) through (4).

(b) Eligibility requirements

In order for a State to qualify for a grant under subsection (a) of this section, such State shall—

[See main edition for text of (1) to (3)]

(4) provide for—

(A) 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, including methods to ensure that disclosure (and redisclosure) of information concerning child abuse or neglect involving specific individuals is made only to persons or entities that the State determines have a need for such information directly related to purposes of this subchapter and subchapters III and V of this chapter; and

(B) requirements for the prompt disclosure of all relevant information to any Federal, State, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

[See main edition for text of (5) and (6)]

(7) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to ensure that Federal funds made available under this subchapter and subchapters III and V of this chapter for any fiscal year shall be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

[See main edition for text of (8) to (10)]

(c) State program plan

To be eligible to receive a grant under this section, a State shall submit every four years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) of this section that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends

to use funds from the grant, the following information with respect to the State:

(1) Intake and screening

(A) Staffing

The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

(B) Training

The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

(C) Public education

An assessment of the State or local agency's public education program with respect to—

- (i) what is child abuse and neglect;
- (ii) who is obligated to report and who may choose to report; and
- (iii) how to report.

(2) Investigation of reports

(A) Response time

The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

(B) Staffing

The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

(C) Interagency coordination

A description of the extent to which interagency coordination processes exist and are available Statewide,¹ and whether protocols or formal policies governing interagency relationships exist in the following areas—

- (i) multidisciplinary investigation teams among child welfare and law enforcement agencies;
- (ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and
- (iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

(D) Training

The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk

¹ So in original. Probably should not be capitalized.

assessment, court preparation, and referral to and provision of services.

(E) Legal representation

A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.

(3) Case management and delivery of ongoing family services

For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at risk of removal, the State shall assess the activities and the outcomes of the following services:

(A) Response time

The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

(B) Staffing

The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

(C) Training

The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.

(D) Interagency coordination

The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

(4) General system enhancement

(A) Automation

A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

(B) Assessment tools

A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

(C) Information and referral

A description and assessment of the extent to which a State has in place—

(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

(D) Staff capacity and competence

An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

(5) Innovative approaches

A description of—

(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and

(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed.

(d) Waivers

(1) General rule

Subject to paragraph (3) of this subsection, any State which does not qualify for assistance under subsection (a) of this section may be granted a waiver of any requirement under paragraph (2) of this subsection—

(A) for a period of not more than one year, if the Secretary makes a finding that such State is making a good faith effort to comply with any such requirement, and for a second one-year period if the Secretary makes a finding that such State is making substantial progress to achieve such compliance; or

(B) for a nonrenewable period of not more than two years in the case of a State the legislature of which meets only biennially, if the Secretary makes a finding that such State is making a good faith effort to comply with such requirement.

(2) Extension

(A) Subject to paragraph (3) of this subsection, any State whose waiver under paragraph (1) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary makes a finding that such State is making a good faith effort to comply with the requirements under subsection (b) of this section—

- (i) through the end of fiscal year 1988; or
- (ii) in the case of a State the legislature of which meets biennially, through the end of the fiscal year 1989 or the end of the next regularly scheduled session of such legislature, whichever is earlier.

(B) This provision shall be effective retroactively to October 1, 1986.

(3) Requirements under subsection (b)(10)

No waiver under paragraph (1) or (2) may apply to any requirement under subsection (b)(10) of this section.

(e) Reduction of funds in case of failure to obligate

If a State fails to obligate funds awarded under subsection (a) of this section before the expiration of the 18-month period beginning on the date of such award, the next award made to such State under this section after the expiration of such period shall be reduced by an amount equal of² the amount of such unobligated funds unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

(f) Restrictions relating to child welfare services

Programs or projects relating to child abuse and neglect assisted under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] shall comply with the requirements set forth in paragraphs (1)(A), (2), (4), (5), and (10) of subsection (b) of this section.

(g) Compliance and education grants

The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating—

(1) the procedures or programs required under subsection (b)(10) of this section;

(2) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

- (A) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and
- (B) the parents of such infants; and

(3) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

- (A) existing social and health services;
- (B) financial assistance; and
- (C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption.

(Pub. L. 93-247, title I, § 107, formerly § 8, as added Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 110; renumbered title I, § 107, Pub. L. 101-126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764; amended Pub. L. 102-295, title I, § 114(a)-(c), May 28, 1992, 106 Stat. 192, 195; Pub. L. 102-586, § 9(b), Nov. 4, 1992, 106 Stat. 5037.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (f), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part B of title IV of the Social Security Act is classified generally to part B (§ 620 et seq.) of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

CODIFICATION

Subsec. (b)(7) is set out in this supplement to update translations appearing therein.

AMENDMENTS

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 subsecs. (d) to (f) as (e) to (g), respectively.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 114(d) of Pub. L. 102-295, 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."]

CONGRESSIONAL FINDINGS

Section 9(a) of Pub. L. 102-586 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

² So in original. Probably should be "to".

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. Emergency child abuse prevention services grant

(a) Establishment

The Secretary shall establish a program to make grants to eligible entities to enable such entities to provide services to children whose parents are substance abusers.

(b) Eligible entities

Entities eligible to receive a grant under this section shall be—

(1) State and local agencies that are responsible for administering child abuse or related child abuse intervention services; and

(2) community and mental health agencies and nonprofit youth-serving organizations with experience in providing child abuse prevention services.

(c) Application

(1) In general

To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

(2) Assurance of use

An application submitted under paragraph (1) shall—

(A) contain an assurance that the applicant operates in a geographic area where child abuse has placed substantial strains on State and local agencies and has resulted in substantial increases in the need for services that cannot be met without funds available under this section;

(B) identify the responsible agency or agencies that will be involved in the use of funds provided under this section;

(C) contain a description of emergency situations with regard to children of substance abusers who need services of the type described in this section;

(D) contain a plan for improving the delivery of such services to such children;

(E) contain assurances that such services will be provided in a comprehensive multidisciplinary and coordinated manner; and

(F) contain any additional information as the Secretary may reasonably require.

(d) Use of funds

Funds received by an entity under this section shall be used to improve the delivery of services to children whose parents are substance abusers. Such services may include—

(1) the hiring of additional personnel by the entity to reduce caseloads;

(2) the provision of additional training for personnel to improve their ability to provide emergency child abuse prevention services related to substance abuse by the parents of such children;

(3) the provision of expanded services to deal with family crises created by substance abuse; and

(4) the establishment or improvement of coordination between the agency administering the grant, and—

(A) child advocates;

(B) public educational institutions;

(C) community-based organizations that serve substance abusing parents, including pregnant and post-partum females and their infants; and

(D) parents and representatives of parent groups and related agencies.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out this section, \$40,000,000 for fiscal year 1990, such sums as may be necessary for fiscal year 1991, \$40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(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.)

AMENDMENTS

1992—Subsec. (e). Pub. L. 102-295 substituted "such sums as may be necessary for fiscal year 1991, \$40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995" for "and such sums as may be necessary for each of the subsequent fiscal years 1991, 1992, and 1993".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5106h of this title.

§ 5106b. Technical assistance to States for child abuse prevention and treatment programs

[See main edition for text]

(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.)

AMENDMENTS

1989—Subsec. (a)(1). Pub. L. 101-126, § 3(b)(4)(A), made technical amendment to reference to section 5106a(b)(10) of this title to reflect renumbering of corresponding section of original act.

Subsec. (b). Pub. L. 101-126, § 3(b)(4)(B), made technical amendment to reference to this subchapter to reflect insertion of title designations in the original act.

§ 5106c. Grants to States for programs relating to investigation and prosecution of child abuse and neglect cases

(a) Grants to States

The Secretary, acting through the Center and 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 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; and
- (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.

(b) Eligibility requirements

In order for a State to qualify for assistance under this section, such State shall—

- (1) fulfill the requirements of sections 1 5106a(b) of this title;

[See main edition for text of (2)]

(3) fulfill the requirements of subsection (d) of this section;

(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—

[See main edition for text of (A)]

(B) maintain and provide access to records relating to activities under subsections (a) and (b) of this section; 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) of this section.

(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 jus-

tice (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;

[See main edition for text of (D) and (E)]

(F) individuals experienced in working with children with disabilities ²

[See main edition for text of (G) and (H), (2)]

(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, 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; ³

(2) make policy and training recommendations in each of the categories described in subsection (e) of this section.

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, 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 and which also ensures procedural fairness to the accused;

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

¹ So in original. Probably should be "section".

² So in original. Probably should be followed by a semicolon.

³ So in original. Probably should be followed by "and".

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 from abuse, particularly child sexual abuse and exploitation, while ensuring fairness to all affected persons.

[See main edition for text of (2); (f)]

(Pub. L. 93-247, title I, § 109, 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.)

AMENDMENTS

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 in-

volving 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”, was executed by making the substitution 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” to reflect the probable intent of Congress and the fact that “abuse cases” appeared twice.

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 subchapters III and V of this chapter 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 subchapters III and V of this chapter—

(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 subchapters III and V of this chapter 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 subchapters III and V of this chapter.

(c) Prevention activities

The Secretary, in consultation with the task force and the board, shall ensure that a majority share of assistance under this subchapter and subchapters III and V of this chapter is available for discretionary research and demonstration grants.

(d) Limitation

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

subchapter and subchapters III and V of this chapter may be used for any purpose other than that for which such funds were authorized to be appropriated.

(Pub. L. 93-247, title I, § 110, formerly § 11, as added Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 115; renumbered title I, § 110, Pub. L. 101-126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764.)

CODIFICATION

Section is set out in this supplement to update translations appearing therein.

§ 5106e. Coordination of child abuse and neglect programs

The Secretary shall prescribe regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination among programs related to child abuse and neglect under this subchapter and subchapters III and V of this chapter and other such programs which are assisted by Federal funds.

(Pub. L. 93-247, title I, § 111, formerly § 12, as added Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, § 111, Pub. L. 101-126, § 3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764.)

CODIFICATION

Section is set out in this supplement to update translations appearing therein.

§ 5106f. Reports

[See main edition for text]

(Pub. L. 93-247, title I, § 112, formerly § 13, as added Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, § 112, and amended Pub. L. 101-126, § 3(a)(1), (2), (b)(6), Oct. 25, 1989, 103 Stat. 764, 765.)

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-126, § 3(b)(6), made technical amendments to references to sections 5106b and 5106c of this title to reflect renumbering of corresponding sections of original act.

§ 5106f-1. Report concerning voluntary reporting system

Not later than April 30, 1993, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 679 of this title.

(Pub. L. 102-295, title I, § 142, May 28, 1992, 106 Stat. 200.)

CODIFICATION

Section was enacted as part of the Child Abuse, Domestic Violence, Adoption and Family Services Act of

1992, and not as part of title I of the Child Abuse Prevention and Treatment Act which comprises this subchapter.

§ 5106g. Definitions

[See main edition for text]

(Pub. L. 93-247, title I, § 113, formerly § 14, as added Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, § 113, and amended Pub. L. 101-126, § 3(a)(1), (2), (b)(7), Oct. 25, 1989, 103 Stat. 764, 765.)

AMENDMENTS

1989—Pub. L. 101-126, § 3(b)(7)(A), made technical amendment to reference to this subchapter to reflect the insertion of title designations in the original act.

Pars. (1), (2), (9). Pub. L. 101-126, § 3(b)(7)(B)-(D), made technical amendments to references to sections 5101, 5102, and 5103 of this title to reflect renumbering of corresponding sections of original act.

§ 5106h. Authorization of appropriations

(a) In general

(1) Authorization

There are authorized to be appropriated to carry out this subchapter, except for section 5106a-1 of this title, \$100,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(2) ¹ Allocations

(A) Of the amounts appropriated under paragraph (1) for a fiscal year, \$5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 5106a(g) of this title.

(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A)—

(i) 33½ percent shall be available for activities under sections 5104, 5105, and 5106 of this title; and

(ii) 66½ percent of such amounts shall be made available in each such fiscal year for activities under sections 5106a and 5106b of this title.

[See main edition for text of (b)]

(Pub. L. 93-247, title I, § 114, formerly § 15, as added Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 117; renumbered title I, § 114, and amended Pub. L. 101-126, § 3(a)(1), (2), (b)(8), Oct. 25, 1989, 103 Stat. 764, 765; Pub. L. 102-295, title I, § 117(a), May 28, 1992, 106 Stat. 197.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-295 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "There are authorized to be appropriated for purposes of carrying out this subchapter \$48,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991. Of the funds appropriated for any fiscal year under this section, except as provided in the succeeding sentence (1)(A) \$11,000,000 shall be available for activities under sections 5104, 5105, and 5106 of this title, and (B),

¹ See Effective Date of 1992 Amendment note below.

\$9,000,000 shall be available in each fiscal year for activities under sections 5106a(a) and 5106b of this title, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, (2) \$5,000,000 shall be available in each such year for grants and contracts under section 5108(a) of this title, for identification, treatment, and prevention of sexual abuse, and (3) \$5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 5106a(f) of this title. With respect to any fiscal year in which the total amount appropriated under this section is less than \$30,000,000, no less than \$20,000,000 of the funds appropriated in such fiscal year shall be available as provided in clause (1) in the preceding sentence and of the remainder, one-half shall be available as provided for in clause (2) and one-half as provided for in clause (3) in the preceding sentence."

1989—Pub. L. 101-126, §3(b)(8), made technical amendments to references to this subchapter and to sections 5104, 5105, 5106, 5106a, and 5106b of this title to reflect the insertion of title designations and renumbering of corresponding sections in original act.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 117(b) of Pub. L. 102-295 provided that: "Paragraph (2) of section 114(a) [42 U.S.C. 5106h(a)(2)], as amended by subsection (a), shall become effective on October 1 of the first fiscal year for which \$30,000,000 or more would be available under subsection (a)(2)(B)(ii) of such section 114 (if such subsection were in effect), and until such fiscal year, the second and third sentences of section 114(a) [see 1992 Amendment note above] (as in effect prior to the amendment made by such subsection (a)) shall continue in effect."

SUBCHAPTER II—ADOPTION OPPORTUNITIES

§ 5111. Congressional findings and declaration of purpose

(a) Findings

Congress finds that—

(1) the number of children in substitute care increased by nearly 50 percent between 1985 and 1990, as our Nation's foster care population included more than 400,000 children at the end of June, 1990;

(2) increasingly children entering foster care have complex problems which require intensive services;

(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

(5) many thousands of children remain in institutions or foster homes solely because of local and other barriers to their placement in permanent, adoptive homes;

(6) the majority of such children are of school age, members of sibling groups or disabled;

(7) currently one-half of children free for adoption and awaiting placement are minorities;

(8) adoption may be the best alternative for assuring the healthy development of such children;

(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and

(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.

(b) Purpose

It is the purpose of this subchapter to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by—

(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

(2) providing a mechanism for the Department of Health and Human Services to—

(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

(B) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

(C) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan.

(As amended Pub. L. 102-295, title IV, § 401, May 28, 1992, 106 Stat. 211.)

AMENDMENTS

1992—Pub. L. 102-295 amended section generally, designating existing provisions as subsecs. (a) and (b), inserting findings relating to the number of children in substitute care, foster care children with complex problems which require intensive services, infants born without prenatal care, addicted to alcohol or other drugs, or exposed to infection with the etiologic agent for human immunodeficiency virus, and percentage of children awaiting adoption who are minorities, inserting as purposes of this subchapter to provide a mechanism to recruit prospective parents for children awaiting adoption and to demonstrate expeditious ways to free children for adoption, and striking out as a purpose to provide a mechanism to coordinate with Federal departments and agencies to provide national adoption and foster care information data-gathering and analysis system.

§ 5112. Repealed. Pub. L. 102-295, title IV, § 402, May 28, 1992, 106 Stat. 213

Section, Pub. L. 95-266, title II, § 202, Apr. 24, 1978, 92 Stat. 208; Pub. L. 98-457, title II, § 202, Oct. 9, 1984, 98 Stat. 1756, related to model adoption legislation and procedures.

§ 5113. Information and service functions by appropriate administrative arrangement

(a) Establishment in Department of Health and Human Services

The Secretary shall establish in the Department of Health and Human Services an appropriate administrative arrangement to provide a centralized focus for planning and coordinating of all departmental activities affecting adoption and foster care and for carrying out the provisions of this subchapter. The Secretary shall make available such consultant services, on-site technical assistance and personnel, together with appropriate administrative expenses, including salaries and travel costs, as are necessary for carrying out such purposes, including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs. The Secretary shall, not later than 12 months after May 28, 1992, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this subchapter, and such reports shall be made available to the public.

(b) Implementation authorities

In connection with carrying out the provisions of this subchapter, the Secretary shall—

(1) conduct (directly or by grant to or contract with public or private nonprofit agencies or organizations) an education and training program on adoption, and prepare, publish, and disseminate (directly or by grant to or contract with public or private nonprofit agencies and organizations) to all interested parties, public and private agencies and organizations (including, but not limited to, hospitals, health care and family planning clinics, and social services agencies), and governmental bodies, information and education and training materials regarding adoption and adoption assistance programs;

(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion;

[See main edition for text of (3)]

(4) provide (directly or by grant to or contract with public or private nonprofit agencies or organizations, including adoptive family groups and minority groups) for the

provision of technical assistance in the planning, improving, developing, and carrying out of programs and activities relating to adoption, and to promote professional leadership training of minorities in the adoption field;

[See main edition for text of (5) and (6)]

(7) consult with other appropriate Federal departments and agencies in order to promote maximum coordination of the services and benefits provided under programs carried out by such departments and agencies with those carried out by the Secretary, and provide for the coordination of such aspects of all programs within the Department of Health and Human Services relating to adoption;

(8) maintain (directly or by grant to or contract with public or private nonprofit agencies or organizations) a National Resource Center for Special Needs Adoption to—

(A) promote professional leadership development of minorities in the adoption field;

(B) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

(C) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and

(9) provide (directly or by grant to or contract with States, local government entities, public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups and community-based organizations with experience in working with minority populations) for the provision of programs aimed at increasing the number of minority children (who are in foster care and have the goal of adoption) placed in adoptive families, with a special emphasis on recruitment of minority families—

(A) which may include such activities as—

(i) outreach, public education, or media campaigns to inform the public of the needs and numbers of such children;

(ii) recruitment of prospective adoptive families for such children;

(iii) expediting, where appropriate, the legal availability of such children;

(iv) expediting, where appropriate, the agency assessment of prospective adoptive families identified for such children;

(v) formation of prospective adoptive family support groups;

(vi) training of personnel of—

(I) public agencies;

(II) private nonprofit child welfare and adoption agencies that are licensed by the State; and

(III) adoptive parents organizations and community-based organizations with experience in working with minority populations;

(vii) use of volunteers and adoptive parent groups; and

(viii) any other activities determined by the Secretary to further the purposes of this subchapter; and

(B) shall be subject to the condition that such grants or contracts may be renewed if documentation is provided to the Secretary demonstrating that appropriate and sufficient placements of such children have occurred during the previous funding period.

[See main edition for text of (c) and (d)]

(As amended Pub. L. 102-295, title IV, § 403, May 28, 1992, 106 Stat. 213.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-295, § 403(1), inserted “, on-site technical assistance” after “consultant services” and “including salaries and travel costs,” after “administrative expenses,” and inserted at end “The Secretary shall, not later than 12 months after May 28, 1992, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this subchapter, and such reports shall be made available to the public.”

Subsec. (b)(1), (2). Pub. L. 102-295, § 403(2)(A), (B), added par. (2), redesignated former par. (2) as (1), and struck out former par. (1) which read as follows: “provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system;”

Subsec. (b)(4). Pub. L. 102-295, § 403(2)(C), inserted “, and to promote professional leadership training of minorities in the adoption field”.

Subsec. (b)(8), (9). Pub. L. 102-295, § 403(2)(D), added par. (8) and redesignated former par. (8) as (9).

§ 5115. Authorization of appropriations

(a) There are authorized to be appropriated, \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out programs and activities under this subchapter except for programs and activities authorized under sections 5113(b)(9) and 5113(c)(1) of this title.

(b) For any fiscal year in which appropriations under subsection (a) of this section exceeds \$5,000,000, there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(b)(9) of this title, and there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(c)(1) of this title.

[See main edition for text of (c)]

(As amended Pub. L. 102-295, title IV, § 404, May 28, 1992, 106 Stat. 214.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-295, § 404(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “There are hereby authorized to be appropriated \$6,000,000 for the fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out programs and activities under this subchapter except for programs

and activities authorized under sections 5113(b)(8) and 5113(c)(1) of this title.”

Subsec. (b). Pub. L. 102-295, § 404(2), substituted “\$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(b)(9) of this title, and there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(c)(1) of this title” for “\$3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 5113(b)(8) of this title, and there are authorized to be appropriated \$3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 5113(c)(1) of this title”.

SUBCHAPTER III—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

CODIFICATION

Subchapter is comprised of title II of the Child Abuse Prevention and Treatment Act, Pub. L. 93-247. Title I of that Act is classified to subchapter I (§ 5101 et seq.) of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5101, 5102, 5103, 5104, 5106a, 5106d, 5106e of this title.

§ 5116. Purposes

It is the purpose of this subchapter, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.

(Pub. L. 93-247, title II, § 201, formerly Pub. L. 98-473, title IV, § 402, Oct. 12, 1984, 98 Stat. 2197; renumbered § 201 of Pub. L. 93-247, and amended Pub. L. 101-126, §§ 2(a), 3(a)(3), (c)(1), 4(a), Oct. 25, 1989, 103 Stat. 764, 766; Pub. L. 102-295, title I, § 121(b), May 28, 1992, 106 Stat. 198.)

AMENDMENTS

1992—Pub. L. 102-295 substituted “Purposes” for “Findings and purpose” in section catchline and “It is the purpose of this subchapter, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.” for provisions consisting of subsec. (a) which set out Congressional findings and subsec. (b) which provided that the purpose of this subchapter was to use Federal challenge grants to encourage States to establish and maintain trust funds or other funding mechanisms to support child abuse and neglect prevention activities.

1989—Pub. L. 101-126, § 4(a)(1), inserted section catchline.

Subsec. (a). Pub. L. 101-126, § 4(a)(1), inserted heading.

Subsec. (b). Pub. L. 101-126, §§ 3(c)(1), 4(a)(2), inserted heading and made technical amendment to reference to this subchapter to reflect transfer and renumbering of sections of this subchapter in original act.

§ 5116a. Definitions

As used in this subchapter—

[See main edition for text of (1)]

(2) the term "State" means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, or Palau.

(Pub. L. 93-247, title II, § 202, formerly Pub. L. 98-473, title IV, § 403, Oct. 12, 1984, 98 Stat. 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.)

AMENDMENTS

1989—Pub. L. 101-126, §§ 3(c)(1), 4(b)(1), reenacted section catchline without change and made technical amendment to reference to this subchapter to reflect transfer and renumbering of sections of this subchapter in original act.

Par. (2). Pub. L. 101-126, § 4(b)(2), added par. (2) and struck out former par. (2) which read as follows: "the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico."

§ 5116b. Grants authorized

(a) In general

[See main edition for text of (a)]

(h) Authorization of appropriations

For the purpose of carrying out this subchapter, there are authorized to be appropriated \$45,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(Pub. L. 93-247, title II, § 203, formerly Pub. L. 98-473, title IV, § 404, Oct. 12, 1984, 98 Stat. 2197; renumbered § 203 of Pub. L. 93-247, and amended Pub. L. 101-126, §§ 2(a), 3(a)(3), (c)(1), 4(c), 5, Oct. 25, 1989, 103 Stat. 764, 766-768; Pub. L. 102-295, title I, § 122, May 28, 1992, 106 Stat. 198.)

AMENDMENTS

1992—Subsecs. (b), (c). Pub. L. 102-295 redesignated subsec. (c) as (b), substituted "\$45,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995" for "such sums as may be necessary for each of the fiscal years 1989 through 1991, but in no event shall amounts so appropriated exceed \$7,000,000 in any fiscal year", and struck out former subsec. (b) which read as follows: "Payments under this subchapter may be made in any fiscal year following the fiscal year in which any State has collected funds for child abuse and neglect prevention activities through a trust fund or other funding mechanism."

1989—Pub. L. 101-126, § 4(c)(1), reenacted section catchline without change.

Pub. L. 101-126, § 3(c)(1), made technical amendment to references to this subchapter wherever appearing in this section to reflect transfer and renumbering of sections of this subchapter in original act.

Subsec. (a). Pub. L. 101-126, § 4(c)(1), inserted heading.

Subsec. (b). Pub. L. 101-126, § 4(c)(2), inserted heading.

Subsec. (c). Pub. L. 101-126, §§ 4(c)(3), 5, inserted heading and amended text generally. Prior to amendment, text read as follows: "There is authorized to be appropriated such sums as are necessary to carry out the provisions of this subchapter for the fiscal year 1985 and for each of the four succeeding fiscal years."

AVAILABILITY OF APPROPRIATIONS

Section 2(b) of Pub. L. 101-126 provided that: "With respect to amounts made available in appropriation Acts for carrying out the program transferred by subsection (a) to the Child Abuse Prevention and Treatment Act [transferring the provisions of this subchapter, formerly sections 402-409 of Pub. L. 98-473 to sections 201-208 of Pub. L. 93-247], the transfer of such program may not be construed to affect the availability of such amounts for carrying out such program."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5116d of this title.

§ 5116c. State eligibility

Any State is eligible for a grant under this subchapter for any fiscal year if such State has established or maintained in the previous fiscal year a trust fund, including appropriations, which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities.

(Pub. L. 93-247, title II, § 204, formerly Pub. L. 98-473, title IV, § 405, Oct. 12, 1984, 98 Stat. 2198; renumbered § 204 of Pub. L. 93-247, and amended Pub. L. 101-126, §§ 2(a), 3(a)(3), (c)(1), 4(d), Oct. 25, 1989, 103 Stat. 764, 766, 767; Pub. L. 102-295, title I, § 123, May 28, 1992, 106 Stat. 198.)

AMENDMENTS

1992—Pub. L. 102-295 struck out "or other funding mechanism" after "a trust fund" and substituted "which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities" for "which is available only for child abuse and neglect prevention activities, including activities which—" and pars. (1) to (4).

1989—Pub. L. 101-126, §§ 3(c), 4(d), reenacted section catchline without change and made technical amendment to reference to this subchapter to reflect transfer and renumbering of sections of this subchapter in original act.

§ 5116d. Limitations

(a) Grant allotments; use of grant; "children" defined

(1) Allotment formula

(A) In general

Amounts appropriated to provide grants under this subchapter shall be allotted among eligible States in each fiscal year so that—

(i) 50 percent of the total amount appropriated is allotted among each State based on the number of children under the age of 18 in each such State, except that each State shall receive not less than \$30,000; and

(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

(B) Use of amounts

Not less than 50 percent of the amount of a grant made to a State under this subchapter in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 5116c(a) of this title, except that this subparagraph shall not become applicable until amounts appropriated under section 5116b(b) of this title exceed \$10,000,000.

(2) "Children" defined

For purposes of paragraph (1)(B), the term "children" means individuals who have not attained the age of majority, as defined by such State.

(b) Application**(1) Requirements**

No grant may be made to any eligible State unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this subchapter. Each application shall—

[See main edition for text of (A)]

(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

(C) demonstrate the outcome of services and activities funded under this subchapter;

(D) provide evidence that Federal assistance received under this subchapter has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 5116c¹ of this title shall be supplemented by State assistance);

(E) demonstrate the extent to which funds received under this subchapter are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;

(F) provide assurances that any assistance received under this subchapter shall not be used as a source for non-Federal funds for the matching requirements of any other provision of Federal law; and

(G) provide for keeping records and making such reasonable reports as the Secretary deems essential to carry out the purposes and provisions of this subchapter.

(2) Approval

[See main edition for text of (2)]

(Pub. L. 93-247, title II, § 205, formerly Pub. L. 98-473, title IV, § 406, Oct. 12, 1984, 98 Stat. 2198; renumbered § 205 of Pub. L. 93-247, and amended Pub. L. 101-126, §§ 2(a), 3(a)(3), (c)(1), (2), 4(e), Oct. 25, 1989, 103 Stat. 764, 766, 767; Pub. L. 102-295, title I, § 124, May 28, 1992, 106 Stat. 198.)

REFERENCES IN TEXT

Paragraphs (1), (2), and (3) of section 5116c of this title, referred to in subsec. (b)(1)(D), which described child abuse and neglect prevention activities, were struck out in the amendment of section 5116c of this title by Pub. L. 102-295, title I, § 123(2), May 28, 1992, 106 Stat. 198.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-295, § 124(1), added par. (1) and struck out former par. (1) which read as follows: "Any grant made to any eligible State under this subchapter in any fiscal year shall be equal to the lesser of—

"(A) 25 percent of the total amount made available by such State for child abuse and neglect prevention activities and collected in the previous fiscal year in a trust fund (excluding any interest income from the principal of such fund) or through any other funding mechanism, including appropriations; or

"(B) an amount equal to 50 cents times the number of children residing in such State according to the most current data available to the Secretary."

Subsec. (b)(1)(B) to (G). Pub. L. 102-295, § 124(2), added subpars. (B) to (E) and redesignated former subpars. (B) and (C) as (F) and (G), respectively.

1989—Pub. L. 101-126, § 4(e)(1), reenacted section catchline without change.

Subsec. (a). Pub. L. 101-126, § 4(e)(1), inserted heading.

Subsec. (a)(1). Pub. L. 101-126, §§ 3(c)(1), 4(e)(1), (2)(A), inserted heading, made technical amendment to reference to this subchapter to reflect transfer and renumbering of sections of this subchapter in original act, and realigned margins of subpars. (A) and (B).

Subsec. (a)(2). Pub. L. 101-126, § 4(e)(2)(B), inserted heading and substituted "paragraph (1)(B)" for "clause (B) of paragraph (1)".

Subsec. (b). Pub. L. 101-126, § 4(e)(3), inserted heading.

Subsec. (b)(1). Pub. L. 101-126, §§ 3(c)(1), (2), 4(e)(3)(A), inserted heading, made technical amendments to references to sections 5101 and 5116c of this title and to this subchapter to reflect transfer and renumbering of corresponding sections in original act, and realigned left margins of subpars. (A) to (C).

Subsec. (b)(2). Pub. L. 101-126, § 4(e)(3)(B), inserted heading.

§ 5116e. Withholding

[See main edition for text]

(Pub. L. 93-247, title II, § 206, formerly Pub. L. 98-473, title IV, § 407, Oct. 12, 1984, 98 Stat. 2199; renumbered § 206 of Pub. L. 93-247, and amended Pub. L. 101-126, §§ 2(a), 3(a)(3), (c)(1), 4(f), Oct. 25, 1989, 103 Stat. 764, 766, 768.)

AMENDMENTS

1989—Pub. L. 101-126, §§ 3(c)(1), 4(f), reenacted section catchline without change and made technical amendments to references to this subchapter to reflect transfer and renumbering of sections of this subchapter in original act.

§ 5116f. Audit

[See main edition for text]

(Pub. L. 93-247, title II, § 207, formerly Pub. L. 98-473, title IV, § 408, Oct. 12, 1984, 98 Stat. 2199; renumbered § 207 of Pub. L. 93-247, and amended Pub. L. 101-126, §§ 2(a), 3(a)(3), (c)(1), 4(g), Oct. 25, 1989, 103 Stat. 764, 766, 768.)

¹ See References in Text note below.

AMENDMENTS

1989—Pub. L. 101-126, §§ 3(c)(1), 4(g), reenacted section catchline without change and made technical amendments to references to this subchapter to reflect transfer and renumbering of sections of this subchapter in original act.

§ 5116g. Report

[See main edition for text]

(Pub. L. 93-247, title II, § 208, formerly Pub. L. 98-473, title IV, § 409, Oct. 12, 1984, 98 Stat. 2199; renumbered § 208 of Pub. L. 93-247, and amended Pub. L. 101-126, §§ 2(a), 3(a)(3), (c)(3), 4(h), Oct. 25, 1989, 103 Stat. 764, 766, 768.)

REFERENCES IN TEXT

Section 5116d(b)(1)(C) of this title, referred to in text, was redesignated section 5116d(b)(1)(G) of this title by Pub. L. 102-295, title I, § 124(2)(A), May 28, 1992, 106 Stat. 199.

AMENDMENTS

1989—Pub. L. 101-126, §§ 3(c)(3), 4(h), reenacted section catchline without change and made technical amendments to reference to section 5116d(b)(1)(C) of this title to reflect renumbering of corresponding section of original act.

SUBCHAPTER IV—TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES

§ 5117. Congressional findings

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-295, title II, § 201, May 28, 1992, 106 Stat. 200, provided that: "This title [amending sections 5117c and 5117d of this title] may be cited as the 'Temporary Child Care for Children With Disabilities and Crisis Nurseries Act Amendments of 1992'."

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-127, § 1, Oct. 25, 1989, 103 Stat. 770, provided that: "This Act [amending sections 5117a, 5117c, and 5117d of this title, enacting provisions set out as a note under section 5117a of this title, and amending provisions set out as a note under this section] may be cited as the 'Children With Disabilities Temporary Care Reauthorization Act of 1989'."

SHORT TITLE

Section 201 of title II of Pub. L. 99-401, as amended by Pub. L. 101-127, § 6, Oct. 25, 1989, 103 Stat. 772, provided that: "This title [enacting this subchapter] may be cited as the 'Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986'."

§ 5117a. Temporary child care for children with disabilities and chronically ill children

The Secretary of Health and Human Services shall establish a demonstration program of grants to States to assist private and public agencies and organizations to provide in-home or out-of-home temporary non-medical child care for children with disabilities, and children with chronic or terminal illnesses. Such care shall be provided on a sliding fee scale with hourly and daily rates.

(As amended Pub. L. 101-127, § 2(1), Oct. 25, 1989, 103 Stat. 770.)

AMENDMENTS

1989—Pub. L. 101-127 substituted "children with disabilities" for "handicapped children".

EFFECTIVE DATE OF 1989 AMENDMENT

Section 7 of Pub. L. 101-127 provided that: "The amendments made by this Act [amending this section, sections 5117c and 5117d of this title, and provisions set out as a note under section 5117 of this title] shall take effect October 1, 1989, or on the date of the enactment of this Act [Oct. 25, 1989], whichever occurs later."

§ 5117c. Administrative provisions

(a) Applications

(1)(A) Any State which desires to receive a grant under section 5117a or 5117b of this title shall submit an application to the Secretary in such form and at such times as the Secretary may require. Such application shall—

(i) describe the proposed State program, including the services to be provided, the agencies and organizations that will provide the services, and the criteria for selection of children and families for participation in projects under the program;

(ii) contain an estimate of the cost of developing, implementing, and evaluating the State program;

(iii) set forth the plan for dissemination of the results of the projects;

(iv) specify the State agency designated to administer programs and activities assisted under this subchapter and the plans for coordinating interagency support of the program; and

(v) with respect to State agencies described in subparagraph (B), provide documentation of a commitment by all such agencies to develop a State plan for coordination among the agencies in carrying out programs and activities provided by the State pursuant to a grant under section 5117a of this title.

(B) State agencies referred to in subparagraph (A)(v) are State agencies responsible for providing services to children with disabilities or with chronic or terminal illnesses, or responsible for financing services for such children, or both, including State agencies responsible for carrying out State programs that—

(i) receive Federal financial assistance; and

(ii) relate to social services, maternal and child health, comprehensive health and mental health, medical assistance and infants, or toddlers and families.

(2) Such application shall contain assurances that—

[See main edition for text of (A) and (B)]

(C) In the distribution of funds made available under section 5117a of this title, a State will give priority consideration to agencies and organizations with experience in working with children with disabilities, with chronically ill children, and with the families of such children, and which serve communities with the greatest need for such services;

[See main edition for text of (D) and (E); (b)]

(c) Evaluations

States receiving grants under this subchapter, shall annually submit a report to the Secretary evaluating funded programs. Such report shall include—

(1)(A) information concerning costs, the number of participants, impact on family stability, the incidence of abuse and neglect, the types, amounts, and costs of various services provided, demographic data on recipients of services, and such other information as the Secretary may require; and

(B) with respect to services provided by the States pursuant to section 5117a of this title, information concerning the number of families receiving services and documentation of parental satisfaction with the services provided;

(2) a specification of the amount and source of public funds, and of private funds, expended in the State for temporary child care for children with disabilities or with chronic or terminal illnesses; and

(3) a State strategy for expanding the availability in the State of temporary child care, and other family support, for families of children with disabilities or with chronic or terminal illnesses, which strategy specifies the manner in which the State intends to expend any Federal financial assistance available to the State for such purpose, including any such assistance provided to the State for programs described in subsection (a)(1)(B) of this section.

(d) Definitions

For the purposes of this subchapter—

[See main edition for text of (1)]

(2) the term “children with disabilities” has the meaning given such term in section 1401(a)(1) of title 20;

(3) the term “crisis nursery” means a center providing temporary emergency services and care for children;

(4) the term “non-medical child care” means the provision of care to provide temporary relief for the primary caregiver; and

(5) the term “State” means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, or Palau.

(As amended Pub. L. 101-127, §§ 2(2), 3, 4, Oct. 25, 1989, 103 Stat. 770, 771; Pub. L. 101-476, title IX, § 901(a)(3), (g), Oct. 30, 1990, 104 Stat. 1142, 1151; Pub. L. 102-295, title II, § 202, May 28, 1992, 106 Stat. 200.)

AMENDMENTS

1992—Subsec. (a)(1)(A). Pub. L. 102-295, § 202(b), which directed the amendment of cl. (vi) by substituting “(v)” for “(vi)”, could not be executed because subpar. (A) does not contain a cl. (vi).

Subsec. (d)(2). Pub. L. 102-295, § 202(a), substituted “given such term” for “given the term ‘children with disabilities’”.

1990—Subsec. (d)(2). Pub. L. 101-476, § 901(g), substituted “children with disabilities” for “handicapped children”.

Pub. L. 101-476, § 901(a)(3), substituted reference to the Individuals with Disabilities Education Act for reference to the Education of the Handicapped Act in the original, which for purposes of codification was translated as section 1401 of title 20, thus requiring no change in text.

1989—Subsec. (a)(1). Pub. L. 101-127, § 3(a), designated existing provisions as subpar. (A), redesignated subpars. (A) to (D) as cls. (i) to (iv), respectively, added cl. (v), and added subpar. (B).

Subsec. (a)(2)(C). Pub. L. 101-127, § 2(2)(A), substituted “working with children with disabilities, with chronically ill children, and with the families of such children,” for “working with handicapped and chronically ill children and their families”.

Subsec. (c). Pub. L. 101-127, § 4, designated existing provisions relating to information concerning costs, number of participants, etc., as par. (1)(A) and added pars. (1)(B), (2), and (3).

Subsec. (d)(2). Pub. L. 101-127, § 2(2)(B), substituted “‘children with disabilities’ has the meaning given the term ‘handicapped children’ in” for “‘handicapped children’ has the meaning given such term in”.

Subsec. (d)(5). Pub. L. 101-127, § 3(b), added par. (5).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101-476, set out as a note under section 238 of Title 20, Education.

§ 5117d. Authorization of appropriations

There are authorized to be appropriated for the purposes of this subchapter such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989, \$20,000,000 for each of the fiscal years 1990 and 1991, and \$20,000,000 for each of the fiscal years 1992 through 1995. Amounts appropriated under the preceding sentence shall remain available until expended.

(As amended Pub. L. 101-127, § 5, Oct. 25, 1989, 103 Stat. 771; Pub. L. 102-295, title II, § 203, May 28, 1992, 106 Stat. 200.)

AMENDMENTS

1992—Pub. L. 102-295 struck out “and” after “1989,” and inserted before period at end “, and \$20,000,000 for each of the fiscal years 1992 through 1995”.

1989—Pub. L. 101-127 inserted “, and \$20,000,000 for each of the fiscal years 1990 and 1991” after “1989” and substituted “Amounts appropriated under the preceding sentence” for “Such sums”.

SUBCHAPTER V—CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5101, 5102, 5103, 5106a, 5106d, 5106e of this title.

§ 5118. Demonstration grants for prevention of inappropriate separation from family and for prevention of child abuse and neglect

(a) Establishment of program

The Secretary may make grants to entities described in subsection (b)(1) of this section for the purpose of assisting such entities in demonstrating, with respect to children whose families are homeless or at risk of becoming homeless, the effectiveness of activities undertaken to prevent—

(1) the inappropriate separation of such children from their families on the basis of homelessness or other problems regarding the availability and conditions of housing for such families; and

(2) the abuse and neglect of such children.

(b) Minimum qualifications of grantees

(1) In general

The entities referred to in subsection (a) of this section are State and local agencies that provide services in geographic areas described in paragraph (2), and that have authority—

(A) for removing children, temporarily or permanently, from the custody of the parents (or other legal guardians) of such children and placing such children in foster care or other out-of-home care; or

(B) in the case of youths not less than 16 years of age for whom such a placement has been made, for assisting such youths in preparing to be discharged from such care into circumstances of providing for their own support.

(2) Eligible geographic areas

The geographic areas referred to in paragraph (1) are geographic areas in which homelessness and other housing problems are—

(A) threatening the well-being of children; and

(B)(i) contributing to the placement of children in out-of-home care;

(ii) preventing the reunification of children with their families; or

(iii) in the case of youths not less than 16 years of age who have been placed in out-of-home care, preventing such youths from being discharged from such care into circumstances of providing their own support without adequate living arrangements.

(3) Cooperation with appropriate public and private entities

The Secretary shall not make a grant under subsection (a) of this section unless the agency involved has entered into agreements with appropriate entities in the geographic area involved (including child welfare agencies, public housing agencies, and appropriate public and nonprofit private entities that provide services to homeless families) regarding the joint planning, coordination and delivery of services under the grant.

(c) Requirement of matching funds

(1) In general

The Secretary shall not make a grant under subsection (a) of this section unless the agency involved agrees that, with respect to the costs to be incurred by such agency in carrying out the purpose described in such subsection, the agency will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than \$1 for each \$4 of Federal funds provided in such grant.

(2) Determination of amount of non-Federal contribution

Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, shall not be included in determining the amount of such non-Federal contributions.

(Pub. L. 93-247, title III, § 301, as added Pub. L. 101-645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4755.)

CONGRESSIONAL FINDINGS

Section 661(a) of Pub. L. 101-645 provided that: "Congress finds that—

"(1) homelessness too often results in the placements of children into out-of-home care, or delays the reunification of such children with their parents; and

"(2) strong coordination between child welfare agencies and housing authorities can protect homeless children or children at risk of becoming homeless from abuse and neglect and help prevent the unnecessary separation of children from their families."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5118a, 5118b, 5118c, 5118d of this title.

§ 5118a. Provisions with respect to carrying out purpose of demonstration grants

(a) Joint training of appropriate service personnel

(1) In general

The Secretary shall not make a grant under section 5118(a) of this title unless the agency involved agrees to establish, with respect to the subjects described in paragraph (2), a program for joint training concerning such subjects, for appropriate personnel of child welfare agencies, public housing agencies, and appropriate public and private entities that provide services to homeless families.

(2) Specification of training subjects

The subjects referred to in paragraph (1) are—

(A) the relationship between homelessness, and other housing problems, and the initial and prolonged placement of children in out-of-home care;

(B) the housing-related needs of families with children who are at risk of placement in out-of-home care; and

(C) resources (including housing-related assistance) that are available to prevent the initial or prolonged placement in out-of-home care of children whose families are homeless or who have other housing problems.

(b) Additional authorized activities

In addition to activities authorized in subsection (a) of this section, a grantee under section 5118(a) of this title may expend grant funds for—

(1) the hiring of additional personnel to provide assistance in obtaining appropriate housing—

(A) to families whose children are at imminent risk of placement in out-of-home care or who are awaiting the return of children placed in such care; and

(B) to youth who are preparing to be discharged from such care into circumstances of providing for their own support;

(2) training and technical assistance for the personnel of shelters and other programs for homeless families (including domestic violence shelters) to assist such programs—

(A) in the prevention and identification of child abuse and neglect among the families the programs served; and

(B) in obtaining appropriate resources for families who need social services, including supportive services and respite care;

(3) the development and dissemination of informational materials to advise homeless families with children and others who are seeking housing of resources and programs available to assist them; and

(4) other activities, if authorized by the Secretary, that are necessary to address housing problems that result in the inappropriate initial or prolonged placement of children in out-of-home care.

(Pub. L. 93-247, title III, § 302, as added Pub. L. 101-645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4757.)

§ 5118b. Additional required agreements

(a) Reports to Secretary

The Secretary shall not make a grant under section 5118(a) of this title unless the agency involved agrees that such agency will—

(1) annually prepare and submit to the Secretary a report describing the specific activities carried out by the agency under the grant; and

(2) include in the report submitted under paragraph (1), the results of an evaluation of the extent to which such activities have been effective in carrying out the purpose described in such section, including the effect of such activities regarding—

(A) the incidence of placements of children in out-of-home care;

(B) the reunification of children with their families; and

(C) in the case of youths not less than 16 years of age who have been placed in out-of-home care, the discharge of such youths from such care into circumstances of providing for their own support with adequate living arrangements.

(b) Evaluation by Secretary

The Secretary shall conduct evaluations to determine the effectiveness of demonstration programs supported under section 5118(a) of this title in—

(1) strengthening coordination between child welfare agencies, housing authorities, and programs for homeless families;

(2) preventing placements of children into out-of-home care due to homelessness or other housing problems;

(3) facilitating the reunification of children with their families; and

(4) in the case of youths not less than 16 years old who have been placed in out-of-home care, preventing such youth from being discharged from such care into circumstances of providing their own support without adequate living arrangements.

(c) Report to Congress

(1) Preparation of list

Not later than April 1, 1991, the Secretary, after consultation with the Secretary of Education, the Secretary of Housing and Urban Development and the Secretary of Labor, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a list of Federal programs that provide services, or fund grants, contracts, or cooperative agreements for the provision of services, directed to the prevention of homelessness for families whose children are at risk of out of home placement and the incidence of child abuse that may be associated with homelessness, that shall include programs providing—

(A) rent, utility, and other subsidies;

(B) training; and

(C) for inter-agency coordination, at both the local and State and Federal level.

(2) Contents of list

The list prepared under paragraph (1) shall include a description of—

(A) the appropriate citations relating to the authority for such programs;

(B) entities that are eligible to participate in each such program;

(C) authorization levels and the annual amounts appropriated for such programs for each fiscal year in which such programs were authorized;

(D) the agencies and divisions administering each such program;

(E) the expiration date of the authority of each such program; and

(F) to the extent available, the extent to which housing assistance under such programs can be accessed by child welfare and other appropriate agencies.

(3) Report

Not later than March 1, 1993, the Secretary shall prepare and submit to the appropriate committees of Congress a report that contains a description of the activities carried out under this subchapter, and an assessment of the effectiveness of such programs in preventing initial and prolonged separation of children from their families due to homelessness and other housing problems. At a minimum the report shall contain—

(A) information describing the localities in which activities are conducted;

(B) information describing the specific activities undertaken with grant funds and,

where relevant, the numbers of families and children assisted by such activities;

(C) information concerning the nature of the joint training conducted with grant funds;

(D) information concerning the manner in which other agencies such as child welfare, public housing authorities, and appropriate public and nonprofit private entities are consulting and coordinating with existing programs that are designed to prevent homelessness and to serve homeless families and youth; and

(E) information concerning the impact of programs supported with grant funds under this subchapter on—

(i) the incidence of the placement of children into out-of-home care;

(ii) the reunification of children with their families; and

(iii) in the case of youth not less than 16 years of age who have been placed in out-of-home care, the discharge of such youths from such care into circumstances of providing for their own support with adequate living arrangements.

(d) Restriction on use of grant

The Secretary may not make a grant under section 5118(a) of this title unless the agency involved agrees that the agency will not expend the grant to purchase or improve real property.

(Pub. L. 93-247, title III, § 303, as added Pub. L. 101-645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4757.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5118c of this title.

§ 5118c. Description of intended uses of grant

The Secretary shall not make a grant under section 5118(a) of this title unless—

(1) the agency involved submits to the Secretary a description of the purposes for which the agency intends to expend the grant;

(2) with respect to the entities with which the agency has made agreements pursuant to section 5118(b)(1) of this title, such entities have assisted the agency in preparing the description required in paragraph (1); and

(3) the description includes a statement of the methods that the agency will utilize in conducting the evaluations required in section 5118b(a)(2) of this title.

(Pub. L. 93-247, title III, § 304, as added Pub. L. 101-645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4759.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5118d of this title.

§ 5118d. Requirement of submission of application

The Secretary shall not make a grant under section 5118(a) of this title unless an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in section 5118c of this title, and the application is in such form, is

made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subchapter.

(Pub. L. 93-247, title III, § 305, as added Pub. L. 101-645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4759.)

§ 5118e. Authorization of appropriations

(a) In general

For the purpose of carrying out this subchapter, there are authorized to be appropriated \$12,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(b) Availability of appropriations

Amounts appropriated under subsection (a) of this section shall remain available until expended.

(Pub. L. 93-247, title III, § 306, as added Pub. L. 101-645, title VI, § 661(b), Nov. 29, 1990, 104 Stat. 4760; amended Pub. L. 102-295, title I, § 131, May 28, 1992, 106 Stat. 199.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-295 inserted before period at end “”, and such sums as may be necessary for each of the fiscal years 1993 through 1995”.

SUBCHAPTER VI—CHILD ABUSE CRIME INFORMATION AND BACKGROUND CHECKS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3759 of this title.

§ 5119. Reporting child abuse crime information

(a) In general

In each State, an authorized criminal justice agency of the State shall report child abuse crime information to, or index child abuse crime information in, the national criminal history background check system.

(b) Provision of State child abuse crime records through national criminal history background check system

(1) Not later than 180 days after December 20, 1993, the Attorney General shall, subject to availability of appropriations—

(A) investigate the criminal history records system of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line basis through the national criminal history background check system;

(B) in consultation with State officials, establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of criminal history records and other procedures for carrying out this subchapter; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of each State timetable that the State—

(A) by not later than the date that is 3 years after December 20, 1993, have in a computerized criminal history file at least 80 percent of the final dispositions that have been rendered in all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain a reporting rate of at least 80 percent for final dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve 100 percent disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) **Liaison**

An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) **Annual summary**

(1) The Attorney General shall publish an annual statistical summary of child abuse crimes.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) **Annual report**

The Attorney General shall, subject to the availability of appropriations, publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal history background check system.

(f) **Study of child abuse offenders**

(1) Not later than 180 days after December 20, 1993, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State; and

(C) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after December 20, 1993, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

(Pub. L. 103-209, § 2, Dec. 20, 1993, 107 Stat. 2490.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b)(1)(B), was in the original "this Act", meaning Pub. L. 103-209, Dec. 20, 1993, 107 Stat. 2490, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 5101 of this title and Tables.

§ 5119a. Background checks

(a) **In general**

(1) A State may have in effect procedures (established by State statute or regulation) that require qualified entities designated by the State to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether a provider has been convicted of a crime that bears upon an individual's fitness to have responsibility for the safety and well-being of children.

(2) The authorized agency shall access and review State and Federal criminal history records through the national criminal history background check system and shall make reasonable efforts to respond to the inquiry within 15 business days.

(h) **Guidelines**

The procedures established under subsection (a) of this section shall require—

(1) that no qualified entity may request a background check of a provider under subsection (a) of this section unless the provider first provides a set of fingerprints and completes and signs a statement that—

(A) contains the name, address, and date of birth appearing on a valid identification document (as defined in section 1028 of title 18) of the provider;

(B) the provider has not been convicted of a crime and, if the provider has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(C) notifies the provider that the entity may request a background check under subsection (a) of this section;

(D) notifies the provider of the provider's rights under paragraph (2); and

(E) notifies the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(2) that each provider who is the subject of a background check is entitled—

(A) to obtain a copy of any background check report; and

(B) to challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency;

(3) that an authorized agency, upon receipt of a background check report lacking disposition data, shall conduct research in whatever

State and local recordkeeping systems are available in order to obtain complete data;

(4) that the authorized agency shall make a determination whether the provider has been convicted of, or is under pending indictment for, a crime that bears upon an individual's fitness to have responsibility for the safety and well-being of children and shall convey that determination to the qualified entity; and

(5) that any background check under subsection (a) of this section and the results thereof shall be handled in accordance with the requirements of Public Law 92-544.

(c) Regulations

(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this subchapter, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

(d) Liability

A qualified entity shall not be liable in an action for damages solely for failure to conduct a criminal background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity to take action adverse to a provider who was the subject of a background check.

(e) Fees

In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted with fingerprints on a person who volunteers with a qualified entity, the fees collected by authorized State agencies and the Federal Bureau of Investigation may not exceed the actual cost of the background check conducted with fingerprints. The States shall establish fee systems that insure that fees to non-profit entities for background checks do not discourage volunteers from participating in child care programs.

(Pub. L. 103-209, § 3, Dec. 20, 1993, 107 Stat. 2491.)

REFERENCES IN TEXT

Public Law 92-544, referred to in subsec. (b)(5), is Pub. L. 92-544, Oct. 25, 1972, 86 Stat. 1109. Provisions relating to use of funds for the exchange of identification records are contained in section 201 of Pub. L. 92-544, which is set out as a note under section 534 of Title 28, Judiciary and Judicial Procedure. For complete classification of this Act to the Code, see Tables.

§ 5119b. Funding for improvement of child abuse crime information

(a) Omitted

(h) Additional funding grants for improvement of child abuse crime information

(1) The Attorney General shall, subject to appropriations and with preference to States that,

as of December 20, 1993, have in computerized criminal history files the lowest percentages of charges and dispositions of identifiable child abuse cases, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subchapter;

(B) for the improvement of existing computerized criminal history files for the purposes of this subchapter;

(C) to improve accessibility to the national criminal history background check system for the purposes of this subchapter; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal history background check system for the purposes of this subchapter.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of \$20,000,000 for fiscal years 1994, 1995, 1996, and 1997.

(c) Withholding State funds

Effective 1 year after December 20, 1993, the Attorney General may reduce, by up to 10 percent, the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3701 et seq.] that is not in compliance with the requirements of this subchapter.

(Pub. L. 103-209, § 4, Dec. 20, 1993, 107 Stat. 2493.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended. Title I of the Act is classified principally to chapter 46 (§ 3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

CODIFICATION

Section is comprised of section 4 of Pub. L. 103-209. Subsec. (a) of section 4 of Pub. L. 103-209 amended section 3759(b) of this title.

§ 5119c. Definitions

For the purposes of this subchapter—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subchapter;

(2) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(3) the term "child abuse crime" means a crime committed under any law of a State that involves the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by any person;

(4) the term "child abuse crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the child abuse crime or offenses for which the person has