

9:6-8.83 to 9:6-8.98

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

("Comprehensive Child Abuse Act")

NJSA: 9:6-8.83 to 9:6-8.98

LAWS OF: 1997 CHAPTER: 175

BILL NO: S2209

SPONSOR(S): DiFrancesco & others

DATE INTRODUCED: June 16, 1997

COMMITTEE: ASSEMBLY: ---

SENATE: Women's Issues

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 26, 1997

SENATE: June 26, 1997

DATE OF APPROVAL: July 31, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

Attached: Federal "Child Abuse Prevention & Treatment Act Amendments of 1996"

(P.L. 104-235)

KBP:pp

[Passed Both Houses]

[Corrected Copy]

[First Reprint]

SENATE, No. 2209

STATE OF NEW JERSEY

INTRODUCED JUNE 16, 1997

**By Senators DiFRANCESCO, INVERSO, Bryant, Baer, Sinagra,
Matheussen, Assemblywoman Heck, Assemblyman Talarico
and Assemblywoman Pou**

1 AN ACT concerning child abuse and neglect and revising parts of the
2 statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) This act shall be known as and may be cited as
8 the "Comprehensive Child Abuse Prevention and Treatment Act."

9

10 2. (New section) As used in this act:

11 "Board" means the Child Fatality and Near Fatality Review Board
12 established under P.L. , c. (C.)(pending before the Legislature
13 as this bill).

14 "Child" means any person under the age of 18.

15 "Commissioner" means the Commissioner of Human Services.

16 "Diligent efforts" means reasonable attempts by an agency
17 authorized by the Division of Youth and Family Services to assist the
18 parents in remedying the circumstances and conditions that led to the
19 placement of the child and in reinforcing the family structure, as
20 defined in section 7 of P.L.1991, c.275 (C.30:4C-15.1).

21 "Division" means the Division of Youth and Family Services in the
22 Department of Human Services.

23 "Near fatality" means a case in which a child is in serious or critical

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SWF committee amendments adopted June 19, 1997.

1 condition, as certified by a physician.

2 "Panel" means a citizen review panel as established under P.L. c.,
3 (C.) (pending before the Legislature as this bill).

4 "Parent or guardian" means a person defined pursuant to section 1
5 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the
6 care, custody or control of a child or upon whom there is a legal duty
7 for such care.

8 "Sexual abuse" means contacts or actions between a child and a
9 parent or caretaker for the purpose of sexual stimulation of either that
10 person or another person. Sexual abuse includes:

11 a. the employment, use, persuasion, inducement, enticement or
12 coercion of any child to engage in, or assist any other person to
13 engage in, any sexually explicit conduct or simulation of such conduct;
14 ¹ **[or]**¹

15 b. sexual conduct including molestation, prostitution, other forms
16 of sexual exploitation of children or incest¹; or

17 c. sexual penetration and sexual contact as defined in N.J.S.2C:14-
18 1 and a prohibited sexual act as defined in N.J.S.2C:24-4¹.

19 "Significant bodily injury" means a temporary loss of the
20 functioning of any bodily member or organ or temporary loss of any
21 one of the five senses.

22 "Withholding of medically indicated treatment" means the failure to
23 respond to ¹ **[an infant's]** a child's¹ life-threatening conditions by
24 providing treatment, including appropriate nutrition, hydration, and
25 medication which, in the treating physician's reasonable judgment, will
26 most likely be effective in ameliorating or correcting all such
27 conditions. The term does not include the failure to provide treatment,
28 other than appropriate nutrition, hydration, or medication to ¹ **[an**
29 **infant]** a child¹ when, in the treating physician's reasonable medical
30 judgment:

31 a. the ¹ **[infant]** child¹ is chronically and irreversibly comatose;

32 b. the provision of such treatment would merely prolong dying, not
33 be effective in ameliorating or correcting all of the ¹ **[infant's]** child's¹
34 life-threatening conditions, or otherwise be futile in terms of the
35 survival of the ¹ **[infant]** child¹; or

36 c. the provision of such treatment would be virtually futile in terms
37 of the survival of the ¹ **[infant]** child¹ and the treatment itself under
38 such circumstances would be inhumane.

39

40 3. (New section) The commissioner shall establish procedures for
41 responding to the reporting of medical neglect, including instances of
42 withholding of medically indicated treatment from disabled ¹ **[infants]**
43 children¹ with life-threatening conditions, to provide for: a.
44 coordination and consultation with persons designated by and within
45 appropriate health care facilities, and b. prompt notification by these

1 persons of cases of suspected medical neglect, including withholding
2 of medically indicated treatment from disabled **'[infants] children'**
3 with life-threatening conditions.

4
5 4. (New section) The division may pursue any legal remedies,
6 including the initiation of legal proceedings in a court of competent
7 jurisdiction, as may be necessary to: a. prevent the withholding of
8 medically indicated treatment from disabled **'[infants] children'** with
9 life-threatening conditions, or b. provide medical care or treatment for
10 a child when such care or treatment is necessary to prevent or remedy
11 serious harm to the child or to prevent the withholding of medically
12 indicated treatment from disabled **'[infants] children'** with life-
13 threatening conditions.

14
15 5. (New section) In any case in which the division accepts a child
16 in care or custody, including placement, the division shall not be
17 required to provide diligent efforts to reunify the child with a parent
18 who has been found by a court of competent jurisdiction to have
19 committed murder, aggravated manslaughter or manslaughter of
20 another child of the parent; to have aided or abetted, attempted,
21 conspired or solicited to commit the murder, aggravated manslaughter
22 or manslaughter of the child or another child of the parent; or to have
23 committed¹, or attempted to commit.¹ an assault that resulted¹, or
24 could have resulted.¹ in the significant bodily injury to the child or
25 another child of the parent¹ **['; or attempted to commit an assault**
26 **against the child or another child of the parent']¹.**

27
28 6. (New section) There is established the Child Fatality and Near
29 Fatality Review Board. For the purposes of complying with the
30 provisions of Article V, Section IV, paragraph 1 of the New Jersey
31 Constitution, the board is established within the Department of Human
32 Services, but notwithstanding the establishment, the board shall be
33 independent of any supervision or control by the department or any
34 board or officer thereof.

35 The purpose of the board is to review fatalities and near fatalities
36 of children in New Jersey in order to identify their causes, their
37 relationship to governmental support systems, and methods of
38 prevention. The board shall describe trends and patterns of child
39 fatalities and near fatalities in New Jersey; identify risk factors and
40 their prevalence in these populations of children; evaluate the
41 responses of governmental systems to children in families who are
42 considered to be at high risk and to offer recommendations for
43 improvement in those responses; characterize high risk groups in terms
44 that are compatible with the development of public policy; improve the
45 sources of data collection by developing protocols for autopsies, death
46 investigations, and complete recording of cause of death on the death

1 certificate; and provide case consultation to individuals or agencies
2 represented by the board.

3

4 7. (New section) a. The board shall consist of 13 members as
5 follows: the Commissioner of Human Services, the Commissioner of
6 Health and Senior Services, the Director of the Division of Youth and
7 Family Services in the Department of Human Services, the Attorney
8 General, the Superintendent of the State Police, or their designees, the
9 State Medical Examiner, and the Chairperson or Executive Director
10 of the New Jersey Task Force on Child Abuse and Neglect, who shall
11 serve ex officio; and six public members appointed by the Governor,
12 one of whom shall be a representative of the New Jersey Prosecutors'
13 Association, one of whom shall be a Law Guardian, one of whom shall
14 be a pediatrician with expertise in child abuse and neglect, one of
15 whom shall be a psychologist with expertise in child abuse and neglect,
16 one of whom shall be a social work educator with experience and
17 expertise in the area of child abuse or a related field and one of whom
18 shall have expertise in substance abuse.

19 b. The public members of the board shall serve for three year
20 terms. Of the public members first appointed, three shall serve for a
21 period of two years, and three shall serve for a term of three years.
22 They shall serve without compensation but shall be eligible for
23 reimbursement for necessary and reasonable expenses incurred in the
24 performance of their official duties and within the limits of funds
25 appropriated for this purpose. Vacancies in the membership of the
26 board shall be filled in the same manner as the original appointments
27 were made.

28 c. The ¹【Commissioner of Human Services shall be the】 Governor
29 shall appoint a public member to serve as¹ chairperson of the board
30 who shall be responsible for the coordination of all activities of the
31 board and who shall provide the technical assistance needed to execute
32 the duties of the board.

33 d. The board is entitled to call to its assistance and avail itself of
34 the services of employees of any State, county or municipal
35 department, board, bureau, commission or agency as it may require
36 and as may be available for the purposes of reviewing a case pursuant
37 to the provisions of P.L. , c. (C.)(pending before the Legislature
38 as this bill). The board may also seek the advice of experts, such as
39 persons specializing in the fields of pediatric, radiological,
40 neurological, psychiatric, orthopedic and forensic medicine; nursing;
41 psychology; social work; education; law enforcement; family law;
42 substance abuse; child advocacy or other related fields, if the facts of
43 a case warrant additional expertise.

44

45 8. (New section) The board shall:

46 a. Identify the fatalities of children due to unusual circumstances

1 according to the following criteria:

- 2 (1) The cause of death is undetermined;
- 3 (2) Death where substance abuse may have been a contributing
4 factor;
- 5 (3) Homicide, child abuse or neglect;
- 6 (4) Death where child abuse or neglect may have been a
7 contributing factor;
- 8 (5) Malnutrition, dehydration, or medical neglect or failure to
9 thrive;
- 10 (6) Sexual abuse;
- 11 (7) Head trauma, fractures or blunt force trauma without obvious
12 innocent reason such as auto accidents;
- 13 (8) Suffocation or asphyxia;
- 14 (9) Burns without obvious innocent reason such as auto accident
15 or house fire; and
- 16 (10) Suicide.

17 b. Identify fatalities and near fatalities among children whose
18 family, currently or within the last 12 months, were receiving services
19 from the division.

20

21 9. (New section) a. The board shall determine which fatalities
22 shall receive full review. The board may establish local or regional
23 community-based teams to review information regarding children
24 identified by the board. At least one team shall be designated to
25 review information regarding child fatalities due to unusual
26 circumstances. At least one team shall be designated to review child
27 fatalities and near fatalities identified pursuant to subsection b. of
28 section 8 of P.L. , c. (C.)(pending before the Legislature as this
29 bill) as well as child fatalities where information available to the board
30 indicates that child abuse or neglect may have been a contributing
31 factor.

32 b. Each team shall include, at a minimum, a person experienced in
33 prosecution, a person experienced in local law enforcement
34 investigation, a medical examiner, a public health advocate, a
35 physician, preferably a pediatrician, and a casework supervisor from
36 a division field office. As necessary to perform its functions, each
37 team may add additional members or seek the advice of experts in
38 other fields if the facts of a case warrant additional expertise.

39 c. Each team shall submit to the board chairperson a report of its
40 findings and recommendations based upon its review of information
41 regarding each child fatality or near fatality.

42

43 10. (New section) a. The board shall record the name, age, date
44 of birth, place of death or pronouncement of death, date and time of
45 death, and circumstances surrounding the death in a confidential
46 master file. Similar information shall be recorded for each near fatality

1 reviewed by the board. The file shall serve as the minimum record of
2 the case and shall be the only file that contains the name of the child
3 and shall not be subject to discovery, but may be used by the
4 chairperson of the board to refer an individual case, including the
5 board's deliberations and conclusions, to the extent necessary for an
6 appropriate agency to investigate or to provide services.

7 b. Except as provided in subsection a. of this section, the
8 deliberations and conclusions of the board and of its teams, related to
9 a specific case, shall be confidential. Summary records that are
10 prepared by the board and the teams on each reported case shall be
11 free of information that would identify the child.

12 c. The summary reports, deliberations and conclusions of the board
13 or its teams shall not supersede or replace the conclusions or opinions
14 of the agencies that contribute information from their own records.

15 d. The board shall review the reports submitted by each team and
16 issue an annual report to the Governor and the Legislature which
17 includes the number of cases reviewed and specific non-identifying
18 information regarding cases of particular significance. The board shall
19 also include in the report recommendations for achieving better
20 coordination and collaboration among State and local agencies and
21 recommendations for system-wide improvements in services to prevent
22 fatalities and near fatalities among children.

23

24 11. (New section) a. The board may subpoena and review records
25 that pertain to the child, except as provided in any statute, regulation
26 or Executive Order relating to the confidentiality of criminal
27 investigations and criminal investigative files. The records subject to
28 subpoena and review shall include, but are not limited to, private
29 medical and hospital records, school records, mental health records,
30 and other records which may be deemed pertinent to the review
31 process and necessary for the formulation of a conclusion by the
32 board.

33 b. Records obtained by the board pursuant to subsection a. of this
34 section shall not be subject to subpoena.

35 c. If, at the time of initial notification or during the subsequent
36 review, the board has reasonable cause to believe that the death is the
37 result of child abuse or neglect, or has reasonable cause to believe that
38 the death is the result of an on-going hazard to other members of the
39 household, then the board shall notify or shall verify that notification
40 has been made to the county prosecutor of the county wherein the
41 death occurred or was pronounced, and to the division.

42

43 12. (New section) A member of the board shall not be liable for
44 any civil damages as a result of providing in good faith any reports,
45 records, opinions or recommendations pursuant to P.L. , c.
46 (C.)(pending before the Legislature as this bill).

1 13. (New section) The board may solicit and receive grants and
2 other funds made available from a governmental, public, private,
3 nonprofit, or for-profit agency, including funds made available under
4 any federal or State law, regulation or program.

5
6 14. (New section) The board shall adopt regulations pursuant to
7 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
8 seq.) concerning the operation of the board, procedures for conducting
9 reviews of cases involving child fatalities and near fatalities, and other
10 matters necessary to effectuate the purposes of this act.

11
12 15. (New section) a. The commissioner shall designate three
13 citizen review panels for the purpose of examining the policies and
14 procedures of State and local agencies and, as appropriate, specific
15 cases, and evaluating the extent to which the agencies are effectively
16 discharging their child protection responsibilities.

17 b. The commissioner may designate as panels for the purposes of
18 P.L. , c. (C.)(pending before the Legislature as this bill), one or
19 more existing entities established under federal or State law, if such
20 entities have the capacity to satisfy the requirements of this act.

21 c. Each panel shall be composed of volunteer members who are
22 broadly representative of the community in which the panel is
23 established, including members who have expertise in the prevention
24 and treatment of child abuse and neglect.

25 d. Each panel shall meet not less than once every three months.

26 e. The members of the panels:

27 (1) shall not disclose to any person or government official any
28 identifying information about a specific child protection case with
29 respect to which the panel is provided information; and

30 (2) shall not make public other information unless authorized by
31 State statute.

32 f. Each panel shall have access to information as necessary to carry
33 out its functions. Each panel is entitled to call to its assistance and
34 avail itself of the services of employees of any State, county or
35 municipal department, board, bureau, commission or agency as it may
36 require and as may be available for the purposes of effectuating the
37 provisions of P.L. , c. (C.)(pending before the Legislature as this
38 bill). This subsection shall not be construed to permit access to
39 information which may compromise the integrity of a division
40 investigation or a civil or criminal investigation or judicial proceeding.

41 g. Each panel shall prepare and make available to the public on an
42 annual basis, a report containing a summary of its activities.

43 h. A member of the panel shall not be liable for any civil damages
44 as a result of providing, in good faith, a report, record, opinion or
45 recommendation pursuant to P.L. , c. (C.)(pending before the
46 Legislature as this bill).

1 i. A panel may receive grants and other funds made available from
2 any governmental, public, private, nonprofit or for-profit agency,
3 including funds made available under any federal or State law,
4 regulation or program.

5
6 16. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to read
7 as follows:

8 1. a. All records of child abuse reports made pursuant to section
9 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the
10 Division of Youth and Family Services in investigating such reports
11 including reports received pursuant to section 20 of P.L.1974, c.119
12 (C.9:6-8.40), and all reports of findings forwarded to the central
13 registry pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11) shall be
14 kept confidential and may be disclosed only under the circumstances
15 expressly authorized under **[subsection]** subsections b., c.,
16 d. **'[and]**,¹ e. ¹and f.¹ herein. The division shall disclose information
17 only as authorized under subsections b., c., d. **'[and]**,¹ e. ¹and f.¹ of
18 this section that is relevant to the purpose for which the information
19 is required, provided, however, that nothing may be disclosed which
20 would likely endanger the life, safety, or physical or emotional well-
21 being of a child or the life or safety of any other person or which may
22 compromise the integrity of a division investigation or a civil or
23 criminal investigation or judicial proceeding. If the division denies
24 access to specific information on this basis, the requesting entity may
25 seek disclosure through the Chancery Division of the Superior Court.
26 This section shall not be construed to prohibit disclosure pursuant to
27 paragraphs (2) and (7) of subsection b. of this section.

28 Nothing in this act shall be construed to permit the disclosure of
29 any information deemed confidential by federal or State law.

30 b. The division may and upon written request, shall release the
31 records and reports referred to in subsection a., or parts thereof,
32 consistent with the provisions of P.L. , c. (C.)(pending before the
33 Legislature as this bill) to:

34 (1) A public or private child protective agency authorized to
35 investigate a report of child abuse or neglect;

36 (2) A police or other law enforcement agency investigating a report
37 of child abuse or neglect;

38 (3) A physician who has before him a child whom he reasonably
39 suspects may be abused or neglected or an authorized member of the
40 staff of a duly designated regional child abuse diagnostic and treatment
41 center which is involved with a particular child who is the subject of
42 the request;

43 (4) A physician, a hospital director or his designate, a police officer
44 or other person authorized to place a child in protective custody when
45 such person has before him a child whom he reasonably suspects may
46 be abused or neglected and requires the information in order to

1 determine whether to place the child in protective custody;

2 (5) An agency whether public or private, including any other
3 division or unit in the Department of Human Services, authorized to
4 care for, treat, or supervise a child who is the subject of a child abuse
5 report, or a parent, guardian or other person who is responsible for the
6 child's welfare, or both, when the information is needed in connection
7 with the provision of care, treatment, or supervision to such child or
8 such parent, guardian or other person;

9 (6) A court or the Office of Administrative Law, upon its finding
10 that access to such records may be necessary for determination of an
11 issue before it, and such records may be disclosed by the court or the
12 Office of Administrative Law in whole or in part to the law guardian,
13 attorney or other appropriate person upon a finding that such further
14 disclosure is necessary for determination of an issue before the court
15 or the Office of Administrative Law;

16 (7) A grand jury upon its determination that access to such records
17 is necessary in the conduct of its official business;

18 (8) Any appropriate State legislative committee acting in the
19 course of its official functions, provided, however, that no names or
20 other information identifying persons named in the report shall be
21 made available to the legislative committee unless it is absolutely
22 essential to the legislative purpose;

23 (9) **Any person engaged in a bona fide research purpose,**
24 **provided, however, that no names or other information identifying**
25 **persons named in the report shall be made available to the researcher**
26 **unless it is absolutely essential to the research purpose and provided**
27 **further that the approval of the director of the Division of Youth and**
28 **Family Services shall first have been obtained;**~~(Deleted by~~
29 ~~amendment, P.L. , c.)(pending before the Legislature as this bill).~~

30 (10) A family day care sponsoring organization for the purpose of
31 providing information on child abuse or neglect allegations involving
32 prospective or current providers or household members pursuant to
33 **[P.L.1993, c.350 (C.30:5B-25.1 et al.)] P.L.1993, c.350 (C.30:5B-**
34 **25.1 et seq.** and as necessary, for use in administrative appeals related
35 to information obtained through a central registry search;

36 (11) The Victims of Crime Compensation Board, for the purpose
37 of providing services available pursuant to the "Criminal Injuries
38 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) to
39 a child victim who is the subject of such report;

40 (12) Any person appealing a division service or status action or a
41 substantiated finding of child abuse or neglect and his attorney or
42 authorized lay representative upon a determination by the division or
43 the presiding Administrative Law Judge that such disclosure is
44 necessary for a determination of the issue on appeal;

45 (13) Any person or entity mandated by statute to consider child
46 abuse or neglect information when conducting a background check or

1 employment-related screening of an individual employed by or seeking
2 employment with an agency or organization providing services to
3 children;

4 (14) Any person or entity conducting a disciplinary, administrative
5 or judicial proceeding to determine terms of employment or continued
6 employment of an officer, employee, or volunteer with an agency or
7 organization providing services for children. The information may be
8 disclosed in whole or in part to the appellant or other appropriate
9 person only upon a determination by the person or entity conducting
10 the proceeding that the disclosure is necessary to make a
11 determination.

12 (15) The members of a county multi-disciplinary team, established
13 in accordance with State guidelines, for the purpose of coordinating
14 the activities of agencies handling alleged cases of child abuse and
15 neglect;

16 (16) A person being evaluated by the division or the court as a
17 potential care-giver to determine whether that person is willing and
18 able to provide the care and support required by the child;

19 (17) The legal counsel of a child, parent or guardian, whether
20 court-appointed or retained, when information is needed to discuss the
21 case with the division in order to make decisions relating to or
22 concerning the child;

23 (18) A person who has filed a report of suspected child abuse or
24 neglect for the purpose of providing that person with only the
25 disposition of the investigation;

26 (19) A parent or legal guardian when the information is needed in
27 a division matter in which that parent or guardian is directly involved.
28 The information may be released only to the extent necessary for the
29 requesting parent or guardian to discuss services or the basis for the
30 division's involvement or to develop, discuss, or implement a case plan
31 for the child;

32 (20) A federal, State or local government entity, to the extent
33 necessary for such entity to carry out its responsibilities under law to
34 protect children from abuse and neglect;

35 (21) Citizen review panels designated by the State in compliance
36 with the federal "Child Abuse Prevention and Treatment Act
37 Amendments of 1996," Pub.L.104-235;

38 (22) Child Fatality and Near Fatality Review Board established
39 pursuant to P.L. , c. (C.)(pending before the Legislature as this
40 bill).

41 Any individual, agency, board, court, grand jury **[or]**, legislative
42 committee, or other entity, which receives from the division the
43 records and reports referred to in subsection a., shall keep such
44 records and reports, or parts thereof, confidential and shall not
45 disclose such records and reports or parts thereof except as authorized
46 by law .

1 c. The division may share information with a child who is the
2 subject of a child abuse or neglect report, as appropriate to the child's
3 age or condition, to enable the child to understand the basis for the
4 division's involvement and to participate in the development,
5 discussion, or implementation of a case plan for the child.

6 d. The division may release the records and reports referred to in
7 subsection a. of this section to any person engaged in a bona fide
8 research purpose, provided, however, that no names or other
9 information identifying persons named in the report shall be made
10 available to the researcher unless it is absolutely essential to the
11 research purpose and provided further that the approval of the
12 Director of the Division of Youth and Family Services shall first have
13 been obtained.

14 e. ¹For incidents determined by the division to be substantiated, the
15 division shall forward to the police or law enforcement agency in
16 whose jurisdiction the child named in the report resides, the identity
17 of persons alleged to have committed child abuse or neglect and of
18 victims of child abuse or neglect, their addresses, the nature of the
19 allegations, and other relevant information, including, but not limited
20 to, prior reports of abuse or neglect and names of siblings obtained by
21 the division during its investigation of a report of child abuse or
22 neglect. The police or law enforcement agency shall keep such
23 information confidential.

24 f. ¹ The division may disclose to the public the findings or
25 information about a case of child abuse or neglect which has resulted
26 in a child fatality or near fatality. Nothing may be disclosed which
27 would likely endanger the life, safety, or physical or emotional well-
28 being of a child or the life or safety of any other person or which may
29 compromise the integrity of a division investigation or a civil or
30 criminal investigation or judicial proceeding. If the division denies
31 access to specific information on this basis, the requesting entity may
32 seek disclosure of the information through the Chancery Division of
33 the Superior Court. No information may be disclosed which is deemed
34 confidential by federal or State law. The name or any other
35 information identifying the person or entity who referred the child to
36 the division shall not be released to the public.

37 (cf: P.L.1996, c.32, s.1)

38
39 17. Section 15 of P.L.1951, c.138 (C.30:4C-15) is amended to
40 read as follows:

41 15. Whenever (a) it appears that a court wherein a complaint has
42 been proffered as provided in chapter 6 of Title 9 of the Revised
43 Statutes, has entered a conviction against the parent or parents,
44 guardian, or person having custody and control of any child because
45 of abuse, abandonment, neglect of or cruelty to such child; or (b)
46 (Deleted by amendment, P.L.1991, c.275); (c) it appears that the best

1 interests of any child under the care or custody of the Division of
2 Youth and Family Services require that he be placed under
3 guardianship; or (d) it appears that a parent or guardian of a child,
4 following the acceptance of such child by the division pursuant to
5 section 11 or 12 of P.L.1951, c.138 (C.30:4C-11 or 12), or following
6 the placement or commitment of such child in the care of an
7 authorized agency, whether in an institution or in a foster home, and
8 notwithstanding the diligent efforts of such agency to encourage and
9 strengthen the parental relationship, has failed for a period of one year
10 to remove the circumstances or conditions that led to the removal or
11 placement of the child, although physically and financially able to do
12 so, notwithstanding the division's diligent efforts to assist the parent
13 or guardian in remedying the conditions; **[or]** (e) the parent has
14 abandoned the child; or (f) the parent of a child has been found by a
15 court of competent jurisdiction to have committed murder, aggravated
16 manslaughter or manslaughter of another child of the parent; to have
17 aided or abetted, attempted, conspired, or solicited to commit such
18 murder, aggravated manslaughter or manslaughter of the child or
19 another child of the parent; or to have committed¹, or attempted to
20 commit,¹ an assault that resulted¹ or could have resulted, in the
21 significant bodily injury to the child or another child of the parent;
22 ¹[or attempted to commit an assault against the child or another child
23 of the parent;]¹ a petition, setting forth the facts in the case, may be
24 filed with the Family Part of the Chancery Division of the Superior
25 Court in the county where such child may be at the time of the filing
26 of such petition. A petition as provided in this section may be filed by
27 any person or any association or agency, interested in such child, or by
28 the division in the circumstances set forth in items (c),(d) **[and]**, (e)
29 and (f) hereof.

30 (cf: P.L.1995, c.416, s.2)

31

32 18. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to
33 read as follows:

34 7. a. The division shall initiate a petition to terminate parental
35 rights on the grounds of the "best interests of the child" pursuant to
36 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
37 following standards are met:

38 (1) The child's health and development have been or will continue
39 to be endangered by the parental relationship;

40 (2) The parent is unwilling or unable to eliminate the harm facing
41 the child or is unable or unwilling to provide a safe and stable home
42 for the child and the delay of permanent placement will add to the
43 harm. Such harm may include evidence that separating the child from
44 his foster parents would cause serious and enduring emotional or
45 psychological harm to the child;

46 (3) The division has made diligent efforts to provide services to

1 help the parent correct the circumstances which led to the child's
2 placement outside the home and the court has considered alternatives
3 to termination of parental rights; and

4 (4) Termination of parental rights will not do more harm than
5 good.

6 b. The division shall initiate a petition to terminate parental rights
7 on the ground that the "parent has abandoned the child" pursuant to
8 subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
9 following standards are met:

10 (1) a court finds that for a period of six or more months:

11 (a) the parent, although able to have contact, has had no contact
12 with the child, the child's foster parent or the division; and

13 (b) the parent's whereabouts are unknown, notwithstanding the
14 division's diligent efforts to locate the parent; or

15 (2) where the identities of the parents are unknown and the
16 division has exhausted all reasonable methods of attempting
17 identification, the division may immediately file for termination of
18 parental rights upon the completion of the law enforcement
19 investigation.

20 c. As used in this section and in section 15 of P.L.1951, c.138
21 (C.30:4C-15) "diligent efforts" mean reasonable attempts by an agency
22 authorized by the division to assist the parents in remedying the
23 circumstances and conditions that led to the placement of the child and
24 in reinforcing the family structure, including, but not limited to:

25 (1) consultation and cooperation with the parent in developing a
26 plan for appropriate services;

27 (2) providing services that have been agreed upon, to the family,
28 in order to further the goal of family reunification;

29 (3) informing the parent at appropriate intervals of the child's
30 progress, development and health; and

31 (4) facilitating appropriate visitation.

32 d. The division shall not be required to provide "diligent efforts"
33 as defined in subsection c. of this section prior to filing a petition for
34 the termination of parental rights pursuant to (f) of section 15 of
35 P.L.1951, c.138 (C.30:4C-15).

36 (cf: P.L.1995, c.416, s.3)

37

38 19. The Department of Human Services shall adopt rules and
39 regulations pursuant to the "Administrative Procedure Act,"
40 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this
41 act.

42

43 20. This act shall take effect immediately.

- 1 _____
- 2
- 3 "Comprehensive Child Abuse Prevention and Treatment Act."

1 in order to further the goal of family reunification;

2 (3) informing the parent at appropriate intervals of the child's
3 progress, development and health; and

4 (4) facilitating appropriate visitation.

5 d. The division shall not be required to provide "diligent efforts"
6 as defined in subsection c. of this section prior to filing a petition for
7 the termination of parental rights pursuant to (f) of section 15 of
8 P.L.1951, c.138 (C.30:4C-15).
9 (cf: P.L.1995, c.416, s.3)

10

11 19. The Department of Human Services shall adopt rules and
12 regulations pursuant to the "Administrative Procedure Act,"
13 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this
14 act.

15

16 20. This act shall take effect immediately.

17

18

19 *SPONSORS'* STATEMENT

20

21 This bill is designed to enable the State to comply with the federal
22 "Child Abuse Prevention and Treatment Act Amendments of 1996."
23 It amends New Jersey's confidentiality statute and lists those who may
24 access child abuse records and allows for public disclosure of child
25 abuse findings or information in child fatality and near fatality cases.
26 It also defines sexual abuse and establishes procedures for responding
27 to the reports of suspected medical neglect. It also will not require
28 reunification of children when a court has found a parent committed
29 certain criminal offenses. It makes a conviction for those offenses
30 grounds for termination of parental rights.

31 The bill establishes in the Department of Human Services a board
32 to review information regarding the deaths of children due to unusual
33 circumstances as well as fatalities and near fatalities among children
34 known to the Division of Youth and Family Services. The bill requires
35 the Commissioner of Human Services to designate three citizen review
36 panels to examine policies and procedures of State and local agencies
37 to evaluate interagency coordination and compliance with State and
38 federal mandates for the protection of children.

39

40

41

42

43 "Comprehensive Child Abuse Prevention and Treatment Act."

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 2209

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 1997

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 2209 with committee amendments.

As amended by committee, this bill, the "Comprehensive Child Abuse Prevention and Treatment Act," is designed to enable the State to comply with the federal "Child Abuse Prevention and Treatment Act Amendments of 1996." The bill amends New Jersey's confidentiality statute and lists those who may access child abuse records and allows for public disclosure of child abuse findings or information in child fatality and near fatality cases. The bill defines sexual abuse and establishes procedures for responding to the reports of suspected medical neglect. Also, the bill will not require reunification of children when a court has found a parent committed certain criminal offenses, and makes a conviction for those offenses grounds for termination of parental rights.

The bill establishes in the Department of Human Services the Child Fatality and Near Fatality Review Board to review information regarding the deaths of children due to unusual circumstances as well as fatalities and near fatalities among children known to the Division of Youth and Family Services. Finally, the bill requires the Commissioner of Human Services to designate three citizen review panels to examine policies and procedures of State and local agencies and to evaluate interagency coordination and compliance with State and federal mandates for the protection of children.

The committee amendments expand the definition of sexual abuse to include: sexual penetration and sexual contact as defined in N.J.S.2C:14-1, and a prohibited sexual act as defined in N.J.S.2C:24-4. In the references to "withholding of medically indicated treatment," the amendments replace the term "infant" with "child" and the term "infants" with the term "children."

The amendments clarify that when a parent has been found by a court of competent jurisdiction to have attempted to commit assault,

it refers to attempted assault which could have resulted in significant bodily injury to the child or another child of the parent.

The amendments also add language to require the division, for incidents determined by the division to be substantiated, to forward to the police or law enforcement agency in whose jurisdiction the child named in the report resides, the identity of persons alleged to have committed child abuse or neglect and victims of child abuse or neglect, their addresses, the nature of the allegations, and other relevant information, including, but not limited to, prior reports of abuse or neglect and names of siblings obtained by the division during its investigation of a report of child abuse or neglect. The police or law enforcement agency shall keep the information confidential.

Finally, the amendments provide that the Governor will appoint a public member to serve as chairperson of the board, instead of having the Commissioner of Human Services serve in that capacity.

This bill is indetical to Assembly Bill No. 3108 (1R), sponsored by Assemblywoman Heck and Assemblyman Talarico, which was released by the Assembly Community Affairs Committee on June 16, 1997.

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]
SENATE, No. 2209

STATE OF NEW JERSEY

DATED: JULY 16, 1997

Bill Summary:

Senate Bill No. 2209 (1R) of 1996 is intended to enable the State to comply with the federal "Child Abuse Prevention and Treatment Act Amendments of 1996." Specifically, the bill:

- amends the State's confidentiality statute and lists those who may access child abuse records and allows for public disclosure of child abuse findings or information in child fatality and near fatality cases.
- defines sexual abuse and establishes procedures for responding to the reports of suspected medical neglect.
- it will not require reunification of a child with his parents when a court has found a parent committed certain criminal offenses and makes a conviction for those offenses grounds for termination of parental rights.
- establishes in the Department of Human Services (DHS) the Child Fatality and Near Fatality Review Board to review information regarding the deaths of children due to unusual circumstances as well as fatalities and near fatalities among children known to the Division of Youth and Family Services (DYFS).
- requires the Commissioner of Human Services to designate three citizen review panels to examine policies and procedures of State and local agencies to evaluate interagency coordination and compliance with State and federal mandates for the protection of children.

Agency Comments:

DHS and the Office of Management and Budget have not provided any fiscal information on the legislation.

Office of Legislative Services Comments:

The FY 1998 appropriations bill, Senate Bill No. 2500 of 1997/Assembly Bill No. 3000 of 1997 recommends \$145.9 million in State and federal funds for administrative costs of DYFS. This appropriation should be sufficient to enable DYFS to implement the procedural changes proposed by the legislation.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.



**OFFICE OF THE GOVERNOR
NEWS RELEASE**

CN-001

TRENTON, NJ 08625

CONTACT: Becky Taylor
Julie Plocinik
(609)777-2600

RELEASE: Thurs., July 31, 1997

**GOV. WHITMAN SIGNS COMPREHENSIVE LEGISLATION TO BOLSTER DIVISION OF
YOUTH AND FAMILY SERVICES**

Gov. Christie Whitman today signed legislation that implements her administration's comprehensive plan to strengthen the Division of Youth and Family Services (DYFS) and protect New Jersey's children from abuse and neglect.

"Children are our greatest treasure in New Jersey, which is why I am committed to providing strong laws, strong staff, and strong tools to the agency which is charged with protecting them," said Gov. Whitman. "The steps we are taking today will allow for comprehensive reform of DYFS procedures and state intervention in child abuse to allow for increased protection of our children -- who deserve nothing less."

"The legislation that I am signing today eases confidentiality laws to provide the public with more information about child abuse cases handled by DYFS," said Gov. Whitman. "This new law will also allow the state to quickly terminate parental rights in cases where a parent is responsible for the death of a child -- protecting the lives of the rest of the children in that family."

This new law includes the following provisions:

- Permits the division to release information to the public regarding cases of child abuse or neglect resulting in a child fatality or near fatality and specify additional entities to which DYFS is authorized to disclose case information.
- Allows for the termination of parental rights in cases where a parent is responsible for the murder, aggravated manslaughter or manslaughter of their child.
- Creates a Child Fatality and Near Fatality Review Board to review all suspicious child deaths or critical incidents for any child in New Jersey, not just children involved in DYFS investigations.
- Establishes citizen review panels to examine policies and procedures of local and state agencies.

- Allows for state intervention in cases of medical neglect, including the withholding of treatment of disabled infants with life-threatening conditions.
- Clearly defines sexual abuse, including specific actions which constitute such abuse.

The legislation, S-2209, was sponsored by Senate President Donald DiFrancesco (R-Middlesex/Morris/Somerset/Union), Senator Peter Inverso (R-Mercer/Middlesex) and Assembly Members Rose Heck (R-Bergen) and Guy Talarico (R-Bergen).

“(d) TREATMENT OF COST OR VALUE OF MATERIALS.—The President is authorized to proclaim that the cost or value of materials produced in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the cost or value of materials produced in Israel under section 1(c)(i) of Annex 3 of the Agreement, and the direct costs of processing operations performed in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the direct costs of processing operations performed in Israel under section 1(c)(ii) of Annex 3 of the Agreement.

“(e) QUALIFYING INDUSTRIAL ZONE DEFINED.—For purposes of this section, a ‘qualifying industrial zone’ means any area that—

“(1) encompasses portions of the territory of Israel and Jordan or Israel and Egypt;

“(2) has been designated by local authorities as an enclave where merchandise may enter without payment of duty or excise taxes; and

“(3) has been specified by the President as a qualifying industrial zone.”.

Approved October 2, 1996.

LEGISLATIVE HISTORY—H.R. 3074:

HOUSE REPORTS: No. 104-495 (Comm. on Ways and Means).

SENATE REPORTS: No. 104-270 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 16, considered and passed House.

Sept. 27, considered and passed Senate.

PUBLIC LAW 104-235 [S. 919]; October 3, 1996

CHILD ABUSE PREVENTION AND TREATMENT ACT
AMENDMENTS OF 1996

For Legislative History of Act, see p. 3490.

An Act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Child Abuse Prevention and Treatment Act Amendments of 1996”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 100. Findings.

Subtitle A—General Program

- Sec. 101. Office on Child Abuse and Neglect.
- Sec. 102. Advisory Board on Child Abuse and Neglect.
- Sec. 103. Repeal of Inter-Agency Task Force on Child Abuse and Neglect.
- Sec. 104. National clearinghouse for information relating to child abuse.
- Sec. 105. Research, evaluation and assistance activities.
- Sec. 106. Grants for demonstration programs.
- Sec. 107. State grants for prevention and treatment programs.
- Sec. 108. Repeal.
- Sec. 109. Miscellaneous requirements.
- Sec. 110. Definitions.
- Sec. 111. Authorization of appropriations.
- Sec. 112. Rule of construction.
- Sec. 113. Technical and conforming amendments.

Subtitle B—Community-Based Family Resource and Support Grants

Sec. 121. Establishment of program.

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

Sec. 131. Repeal of title III.

Subtitle D—Miscellaneous Provisions

- Sec. 141. Table of contents.
- Sec. 142. Repeals of other laws.

TITLE II—AMENDMENTS TO OTHER ACTS

Subtitle A—Family Violence Prevention and Services Act

- Sec. 201. State demonstration grants.
- Sec. 202. Allotments.
- Sec. 203. Authorization of appropriations.

Subtitle B—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (“Adoption Opportunities Act”)

Sec. 211. Findings and purpose.

Child Abuse
Prevention and
Treatment Act
Amendments of
1996
42 USC 5101
note.

Sec. 212. Information and services.
Sec. 213. Authorization of appropriations.

Subtitle C—Abandoned Infants Assistance Act of 1988

Sec. 221. Priority requirement.
Sec. 222. Reauthorization.

Subtitle D—Reauthorization of Various Programs

Sec. 231. Missing Children's Assistance Act.
Sec. 232. Victims of Child Abuse Act of 1990.

TITLE I—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 100. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), to read as follows:

“(1) each year, close to 1,000,000 American children are victims of abuse and neglect;”;

(2) in paragraph (3)(C), by inserting “assessment,” after “prevention,”;

(3) in paragraph (4)—

(A) by striking “tens of”; and

(B) by striking “direct” and all that follows through the semicolon and inserting “tangible expenditures, as well as significant intangible costs;”;

(4) in paragraph (7), by striking “remedy the causes of” and inserting “prevent”;

(5) in paragraph (8), by inserting “safety,” after “fosters the health,”;

(6) in paragraph (10)—

(A) by striking “ensure that every community in the United States has” and inserting “assist States and communities with”; and

(B) after “child” insert “and family”; and

(7) in paragraph (11)—

(A) by striking “child protection” each place that such term appears and inserting “child and family protection”; and

(B) in subparagraph (D), by striking “sufficient”.

Subtitle A—General Program

SEC. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

Section 101 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) is amended to read as follows:

“SEC. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

“(a) ESTABLISHMENT.—The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

“(b) PURPOSE.—The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this Act. In the event that such functions and

activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities.”.

SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended to read as follows:

“SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

“(a) APPOINTMENT.—The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

“(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a).

“(c) COMPOSITION.—In establishing the board under subsection (a), the Secretary shall appoint members from the general public who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

“(1) law (including the judiciary);

“(2) psychology (including child development);

“(3) social services (including child protective services);

“(4) medicine (including pediatrics);

“(5) State and local government;

“(6) organizations providing services to disabled persons;

“(7) organizations providing services to adolescents;

“(8) teachers;

“(9) parent self-help organizations;

“(10) parents' groups;

“(11) voluntary groups;

“(12) family rights groups; and

“(13) children's rights advocates.

“(d) VACANCIES.—Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

“(e) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members of the board.

“(f) DUTIES.—Not later than 1 year after the establishment of the board under subsection (a), the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing—

“(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

“(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and

Federal Register, publication.

Reports.

"(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare."

SEC. 103. REPEAL OF INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103) is repealed.

SEC. 104. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), to read as follows:

"(a) **ESTABLISHMENT.**—The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.;"

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Director" and inserting "Secretary";

(B) in paragraph (1)—

(i) by inserting "assessment," after "prevention,;" and

(ii) by striking "including" and all that follows and inserting "and";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "general population" and inserting "United States";

(ii) in subparagraph (B), by adding "and" at the end;

(iii) in subparagraph (C), by striking "and" at the end and inserting a period; and

(iv) by striking subparagraph (D); and

(D) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "In establishing" and inserting the following:

"(1) **IN GENERAL.**—In establishing"; and

(ii) by striking "Director" and inserting "Secretary";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving the text of subparagraphs (A) through (D) (as redesignated) 2 ems to the right;

(C) in subparagraph (B) (as redesignated), by striking "that is represented on the task force" and inserting "involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses";

(D) in subparagraph (C) (as redesignated), by striking "State, regional" and all that follows and inserting the following: "Federal, State, regional, and local child welfare data systems which shall include—

"(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

"(ii) information on the number of deaths due to child abuse and neglect;";

Contracts.

(E) by redesignating subparagraph (D) (as redesignated) as subparagraph (F);

(F) by inserting after subparagraph (C) (as redesignated), the following new subparagraphs:

"(D) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific and integrated with other case-based foster care and adoption data collected by the Secretary;

"(E) compile, analyze, and publish a summary of the research conducted under section 105(a); and"; and

(G) by adding at the end the following:

"(2) **CONFIDENTIALITY REQUIREMENT.**—In carrying out paragraph (1)(D), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data."

SEC. 105. RESEARCH, EVALUATION AND ASSISTANCE ACTIVITIES.

(a) **RESEARCH.**—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "through the Center, conduct research on" and inserting "in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on";

(B) by redesignating subparagraphs (A) through (C) as subparagraph (B) through (D), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) the nature and scope of child abuse and neglect;";

(D) in subparagraph (B) (as so redesignated), to read as follows:

"(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;"; and

(E) in subparagraph (D) (as so redesignated)—

(i) by striking clause (ii);

(ii) in clause (iii), to read as follows:

"(ii) the incidence of substantiated and unsubstantiated reported child abuse cases;"; and

(iii) by adding at the end the following:

"(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

"(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;";

“(v) the extent to which the lack of adequate resources and the lack of adequate training of individuals required by law to report suspected cases of child abuse have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

“(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

“(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

“(viii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

“(ix) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system.”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “and demonstration”; and

(ii) by striking “paragraph (1)(A) and activities under section 106” and inserting “paragraph (1)”; and (B) in subparagraph (B), by striking “and demonstration”.

(b) REPEAL.—Subsection (b) of section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is repealed.

(c) TECHNICAL ASSISTANCE.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(c)) is amended—

(1) by striking “(c)” and inserting “(b)”;

(2) by striking “The Secretary” and inserting:

“(1) IN GENERAL.—The Secretary”;

(3) by striking “, through the Center,”;

(4) by inserting “State and local” before “public and non-profit”;

(5) by inserting “assessment,” before “identification”; and

(6) by adding at the end thereof the following new paragraphs:

“(2) EVALUATION.—Such technical assistance may include an evaluation or identification of—

“(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

“(B) ways to mitigate psychological trauma to the child victim; and

“(C) effective programs carried out by the States under titles I and II.

“(3) DISSEMINATION.—The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to—

“(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

“(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental

health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.”.

(d) GRANTS AND CONTRACTS.—Section 105(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) by striking “(d)” and inserting “(c)”; and

(2) in paragraph (2), by striking the second sentence.

(e) PEER REVIEW.—Section 105(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

(1) in the heading preceding paragraph (1), by striking

“(e)” and inserting “(d)”; and

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking “establish a formal” and inserting “, in consultation with experts in the field and other federal agencies, establish a formal, rigorous, and meritorious”;

(ii) by striking “and contracts”; and

(iii) by adding at the end thereof the following new sentence: “The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.”; and

(B) in subparagraph (B)—

(i) by striking “Office of Human Development” and inserting “Administration on Children and Families”; and

(ii) by adding at the end thereof the following new sentence: “The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.”;

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “, contract, or other financial assistance”; and

(B) by adding at the end thereof the following flush sentence:

“The Secretary shall award grants under this section on the basis of competitive review.”; and

(4) in paragraph (3)(B), by striking “subsection (e)(2)(B)” each place it appears and inserting “paragraph (2)(B)”.

(f) TECHNICAL AMENDMENT.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended in the section heading by striking “OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT”.

SEC. 106. GRANTS FOR DEMONSTRATION PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by striking “OR SERVICE”;

(2) in subsection (a), to read as follows:

“(a) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may make grants to, and enter into contracts with, public agencies or private nonprofit agencies or organizations (or combinations of such agencies or organizations) for time limited, demonstration programs and projects for the following purposes:

“(1) TRAINING PROGRAMS.—The Secretary may award grants to public or private nonprofit organizations under this section—

“(A) for the training of 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, including the links between domestic violence and child abuse;

“(B) to improve the recruitment, selection, and training of volunteers serving in public and private 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; and

“(C) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

“(2) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to private nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

“(3) OTHER INNOVATIVE PROGRAMS AND PROJECTS.—

“(A) IN GENERAL.—The Secretary may award grants to public and private nonprofit agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that—

“(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

“(ii) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

“(iii) provides further investigation and intensive intervention where the child’s safety is in jeopardy.

“(B) KINSHIP CARE.—The Secretary may award grants to public and private nonprofit entities in not more than 10 States to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe nurturing environment for the child and where such relatives comply with the State child protection standards.

“(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

“(i) for court-ordered supervised visitation between children and abusing parents; and

“(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.”;

(3) by striking subsection (b);

(4) by redesignating subsection (c) as subsection (b);

(5) in subsection (b) (as redesignated)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) through (7) as paragraphs (1) through (5), respectively; and

(6) by adding at the end the following new subsection:

“(c) EVALUATION.—In making grants for demonstration projects under this section, 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 as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.”.

SEC. 107. STATE GRANTS FOR PREVENTION AND TREATMENT PROGRAMS.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended to read as follows:

“SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT—PREVENTION AND TREATMENT PROGRAMS.

“(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary 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 services system of each such State in—

Grants.

“(1) the intake, assessment, screening, and investigation of reports of abuse and neglect;

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

“(B) improving legal preparation and representation, including—

“(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

“(ii) provisions for the appointment of an individual appointed to represent a child in judicial proceedings;

“(3) case management and delivery of services provided to children and their families;

“(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

“(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

“(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

“(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;

“(8) developing, implementing, or operating—

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

“(i) 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

“(ii) the parents of such infants; and

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

“(i) existing social and health services;

“(ii) financial assistance; and

“(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or

“(9) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level.

“(b) ELIGIBILITY REQUIREMENTS.—

“(1) STATE PLAN.—

“(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall, at the time of the initial grant application and every 5 years thereafter, prepare and submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State intends to address with amounts received under the grant.

“(B) ADDITIONAL REQUIREMENT.—After the submission of the initial grant application under subparagraph (A), the State shall provide notice to the Secretary of any substantive changes to any State law relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section.

“(2) COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—

“(A) an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes—

“(i) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

“(ii) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

“(iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or

Notification.

neglected child and of any other child under the same care who may also be in danger of abuse or neglect and ensuring their placement in a safe environment;

“(iv) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

“(v) 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 requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

Confidentiality.
Records.

“(I) individuals who are the subject of the report;

“(II) Federal, State, or local government entities, or any agent of such entities, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

“(III) child abuse citizen review panels;

“(IV) child fatality review panels;

“(V) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

“(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

“(vi) provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;

“(vii) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse or neglect;

“(viii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their case-work files to assist in future risk and safety assessment;

“(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or a court appointed special advocate (or both), shall be appointed to represent the child in such proceedings—

“(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and

Effective date

Effective date

“(II) to make recommendations to the court concerning the best interests of the child;
“(x) the establishment of citizen review panels in accordance with subsection (c);
“(xi) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section—
“(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and
“(II) by which individuals who disagree with an official finding of abuse or neglect can appeal such finding;
“(xii) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—
“(I) to have committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
“(II) to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
“(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or
“(IV) to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent; and
“(xiii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xii), conviction of any one of the felonies listed in clause (xii) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (although case-by-case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);
“(B) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—
“(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;
“(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases

of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and
“(iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions;
“(C) a description of—
“(i) the services to be provided under the grant to individuals, families, or communities, either directly or through referrals aimed at preventing the occurrence of child abuse and neglect;
“(ii) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect; and
“(iii) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect; and
“(D) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act comply with the requirements set forth in paragraph (1) and this paragraph.
“(3) LIMITATION.—With regard to clauses (v) and (vi) of paragraph (2)(A), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.
“(4) DEFINITIONS.—For purposes of this subsection—
“(A) the term ‘near fatality’ means an act that, as certified by a physician, places the child in serious or critical condition; and
“(B) the term ‘serious bodily injury’ means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
“(c) CITIZEN REVIEW PANELS.—
“(1) ESTABLISHMENT.—
“(A) IN GENERAL.—Except as provided in subparagraph (B), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.
“(B) EXCEPTIONS.—
“(i) ESTABLISHMENT OF PANELS BY STATES RECEIVING MINIMUM ALLOTMENT.—A State that receives the minimum allotment of \$175,000 under section

203(b)(1)(A) for a fiscal year shall establish not less than 1 citizen review panel.

“(ii) DESIGNATION OF EXISTING ENTITIES.—A State may designate as panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

“(2) MEMBERSHIP.—Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

“(3) MEETINGS.—Each panel established pursuant to paragraph (1) shall meet not less than once every 3 months.

“(4) FUNCTIONS.—

“(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the policies and procedures of State and local agencies and where appropriate, specific cases, evaluate the extent to which the agencies are effectively discharging their child protection responsibilities in accordance with—

“(i) the State plan under subsection (b);

“(ii) the child protection standards set forth in subsection (b); and

“(iii) any other criteria that the panel considers important to ensure the protection of children, including—

“(I) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act; and

“(II) a review of child fatalities and near fatalities (as defined in subsection (b)(4)).

“(B) CONFIDENTIALITY.—

“(i) IN GENERAL.—The members and staff of a panel established under paragraph (1)—

“(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

“(II) shall not make public other information unless authorized by State statute.

“(ii) CIVIL SANCTIONS.—Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

“(5) STATE ASSISTANCE.—Each State that establishes a panel pursuant to paragraph (1)—

“(A) shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (4); and

“(B) shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

“(6) REPORTS.—Each panel established under paragraph (1) shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the panel.

Public information.

“(d) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

“(1) The number of children who were reported to the State during the year as abused or neglected.

“(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

“(A) substantiated;

“(B) unsubstantiated; or

“(C) determined to be false.

“(3) Of the number of children described in paragraph (2)—

“(A) the number that did not receive services during the year under the State program funded under this section or an equivalent State program;

“(B) the number that received services during the year under the State program funded under this section or an equivalent State program; and

“(C) the number that were removed from their families during the year by disposition of the case.

“(4) The number of families that received preventive services from the State during the year.

“(5) The number of deaths in the State during the year resulting from child abuse or neglect.

“(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

“(7) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.

“(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

“(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

“(10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

“(11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse and neglect, including the death of the child.

“(12) The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

“(e) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (d), the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report

and such information available to the Congress and the national clearinghouse for information relating to child abuse.”

SEC. 108. REPEAL.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106b) is repealed.

SEC. 109. MISCELLANEOUS REQUIREMENTS.

42 USC 5106g.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended—

- (1) by striking subsection (c); and
- (2) by redesignating subsection (d) as subsection (c).

SEC. 110. DEFINITIONS.

Section 113 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h) is amended—

- (1) by striking paragraphs (1), (2), (5), and (9);
- (2)(A) by redesignating paragraphs (3), (4), and (6) through (8) as paragraphs (1) through (5), respectively; and
- (B) by redesignating paragraph (10) as paragraph (6);
- (3) in paragraph (2) (as redesignated), to read as follows:
 - “(2) the term ‘child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;”;
 - and
 - (4) in paragraph (4)(B) (as redesignated), by inserting “, and in cases of caretaker or inter-familial relationships, statutory rape” after “rape”.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)) is amended to read as follows:

- “(a) IN GENERAL.—
 - “(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, \$100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.
 - “(2) DISCRETIONARY ACTIVITIES.—
 - “(A) IN GENERAL.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this title.
 - “(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106.”.

SEC. 112. RULE OF CONSTRUCTION.

Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

42 USC 5106i.

“SEC. 115. RULE OF CONSTRUCTION.

- “(a) IN GENERAL.—Nothing in this Act shall be construed—
 - “(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treat-

ment against the religious beliefs of the parent or legal guardian; and

“(2) to require that a State find, or to prohibit a State from finding, abuse or neglect in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

“(b) STATE REQUIREMENT.—Notwithstanding subsection (a), a State shall, at a minimum, have in place authority under State law to permit the child protective services system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State.”.

SEC. 113. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CHILD ABUSE PREVENTION AND TREATMENT ACT.—

(1)(A) Sections 104 through 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104 through 5106a), as amended by this subtitle, are redesignated as sections 103 through 106 of such Act, respectively.

(B) Sections 109 through 114 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c through 5106h), as amended by this subtitle, are redesignated as sections 107 through 112 of such Act, respectively.

(C) Section 115 of the Child Abuse Prevention and Treatment Act, as added by section 112 of this Act, is redesignated as section 113 of the Child Abuse Prevention and Treatment Act.

(2) Section 107 of the Child Abuse Prevention and Treatment Act (as redesignated) is amended—

- (A) in subsection (a), by striking “acting through the Center and”;
- (B) in subsection (b)(1), by striking “sections” and inserting “section”;
- (C) in subsection (c)(1)—
 - (i) in the matter preceding subparagraph (A), by inserting a comma after “maintain”; and
 - (ii) in subparagraph (F), by adding a semicolon at the end; and
- (D) in subsection (d)(1), by adding “and” at the end.

(3) Section 110(b) of the Child Abuse Prevention and Treatment Act (as redesignated) is amended by striking “effectiveness of—” and all that follows and inserting “effectiveness of assisted programs in achieving the objectives of section 107.”.

(b) VICTIMS OF CRIME ACT OF 1984.—Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a) is amended—

- (1) by striking “1402(d)(2)(D) and (d)(3).” and inserting “1402(d)(2)”; and
- (2) by striking “section 4(d)” and inserting “section 109”.

Subtitle B—Community-Based Family Resource and Support Grants

SEC. 121. ESTABLISHMENT OF PROGRAM.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended to read as follows:

“TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

42 USC 5116.

“SEC. 201. PURPOSE AND AUTHORITY.

“(a) PURPOSE.—It is the purpose of this title—

“(1) to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that coordinate resources among existing education, vocational rehabilitation, disability, respite care, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State; and

“(2) to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.

“(b) AUTHORITY.—The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this title as the ‘lead entity’) under section 202(1) for the purpose of—

“(1) developing, operating, expanding and enhancing Statewide networks of community-based, prevention-focused, family resource and support programs that—

“(A) offer assistance to families;

“(B) provide early, comprehensive support for parents;

“(C) promote the development of parenting skills, especially in young parents and parents with very young children;

“(D) increase family stability;

“(E) improve family access to other formal and informal resources and opportunities for assistance available within communities;

“(F) support the additional needs of families with children with disabilities through respite care and other services; and

“(G) decrease the risk of homelessness;

“(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

“(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and

description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities:

“(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and

“(5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

“SEC. 202. ELIGIBILITY.

42 USC 5116a.

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

“(1)(A) the chief executive officer of the State has designated a lead entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network;

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

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

“(D) in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this title (as such title was in effect on the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the chief executive officer shall designate the lead entity only after full consideration of the capacity and expertise of all entities desiring to be designated under subparagraph (A);

"(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

"(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

"(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

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

"(3) the chief executive officer of the State provides assurances that the lead entity—

"(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

"(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

"(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

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

42 USC 5116b.

Native Americans.

SEC. 203. AMOUNT OF GRANT.

"(a) RESERVATION.—The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

"(b) REMAINING AMOUNTS.—

"(1) IN GENERAL.—The Secretary shall allot the amount appropriated under section 210 for a fiscal year and remaining after the reservation under subsection (a) among the States as follows:

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

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

"(2) ADDITIONAL REQUIREMENT.—The Secretary shall provide allotments under paragraph (1) to the State lead entity.

"(c) ALLOCATION.—Funds allotted to a State under this section—

"(1) shall be for a 3-year period; and

"(2) shall be provided by the Secretary to the State on an annual basis, as described in subsection (a).

42 USC 5115c.

SEC. 204. EXISTING GRANTS.

"(a) IN GENERAL.—Notwithstanding the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of the enactment of such Act under any program described in subsection (b), shall continue to receive funds under such program, subject to the original terms under which such funds were provided under the grant, through the end of the applicable grant cycle.

"(b) PROGRAMS DESCRIBED.—The programs described in this subsection are the following:

"(1) The Community-Based Family Resource programs under section 201 of this Act, as such section was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

"(2) The Family Support Center programs under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.), as such title was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

"(3) The Emergency Child Abuse Prevention Services grant program under section 107A of this Act, as such section was in effect on the day before the date of the enactment of the Human Services Amendments of 1994.

"(4) Programs under the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986.

42 USC 5116d.

SEC. 205. APPLICATION.

"A grant may not be made to a State under this title unless an application therefor is submitted by the State to the Secretary and such application contains the types of information specified

by the Secretary as essential to carrying out the provisions of section 202, including—

“(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

“(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

“(3) an assurance that an inventory of current family resource programs, respite care, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

“(4) a budget for the development, operation and expansion of the State’s network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend in non-Federal funds an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

“(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

“(6) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

“(7) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

“(8) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups;

“(9) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhancement activities;

“(10) a description of how the applicant entity’s activities and those of the network and its members will be evaluated;

“(11) a description of the actions that the applicant entity will take to advocate systemic changes in State policies, practices, procedures and regulations to improve the delivery of

prevention-focused, family resource and support program services to children and families; and

“(13) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

“SEC. 206. LOCAL PROGRAM REQUIREMENTS.

42 USC 5116e.

“(a) IN GENERAL.—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that—

“(1) assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations, and private sector representatives;

“(2) develop a strategy to provide, over time, a continuum of preventive, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

“(3) provide—

“(A) core family resource and support services such as—

“(i) parent education, mutual support and self help, and leadership services;

“(ii) outreach services;

“(iii) community and social service referrals; and

“(iv) follow-up services;

“(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including all forms of respite care services to the extent practicable; and

“(C) access to optional services, including—

“(i) referral to and counseling for adoption services for individuals interested in adopting a child or relinquishing their child for adoption;

“(ii) child care, early childhood development and intervention services;

“(iii) referral to services and supports to meet the additional needs of families with children with disabilities;

“(iv) referral to job readiness services;

“(v) referral to educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

“(vi) self-sufficiency and life management skills training;

“(vii) community referral services, including early developmental screening of children; and

“(viii) peer counseling;

“(4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

“(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

“(6) participate with other community-based, prevention-focused, family resource and support program grantees in the

development, operation and expansion of the Statewide network.

"(b) PRIORITY.—In awarding local grants under this title, a lead entity shall give priority to effective community-based programs serving low income communities and those serving young parents or parents with young children, including community-based family resource and support programs.

42 USC 5116f.

"SEC. 207. PERFORMANCE MEASURES.

"A State receiving a grant under this title, through reports provided to the Secretary—

"(1) shall demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this title;

"(2) shall supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

"(3) shall demonstrate the establishment of new respite care and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 205(3);

"(4) shall describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this title;

"(5) shall demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

"(6) shall demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

"(7) shall describe the results of a peer review process conducted under the State program; and

"(8) shall demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community based, prevention-focused, family resource and support programs.

42 USC 5116g.

"SEC. 208. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

"The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State—

"(1) to create, operate and maintain a peer review process;

"(2) to create, operate and maintain an information clearinghouse;

"(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

"(4) to create, operate and maintain a computerized communication system between lead entities; and

"(5) to fund State-to-State technical assistance through bi-annual conferences.

42 USC 5116h.

"SEC. 209. DEFINITIONS.

"For purposes of this title:

"(1) CHILDREN WITH DISABILITIES.—The term 'children with disabilities' has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

"(2) COMMUNITY REFERRAL SERVICES.—The term 'community referral services' means services provided under contract or through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite care services, health and mental health services, employability development and job training, and other social services, including early developmental screening of children, through help lines or other methods.

"(3) FAMILY RESOURCE AND SUPPORT PROGRAM.—The term 'family resource and support program' means a community-based, prevention-focused entity that—

"(A) provides, through direct service, the core services required under this title, including—

"(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

"(ii) services to facilitate the ability of parents to serve as resources to one another (such as through mutual support and parent self-help groups);

"(iii) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities;

"(iv) community and social services to assist families in obtaining community resources; and

"(v) follow-up services;

"(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite care services; and

"(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including—

"(i) child care, early childhood development and early intervention services;

"(ii) referral to self-sufficiency and life management skills training;

“(iii) referral to education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

“(iv) referral to services providing job readiness skills;

“(v) child abuse and neglect prevention activities;

“(vi) referral to services that families with children with disabilities or special needs may require;

“(vii) community and social service referral, including early developmental screening of children;

“(viii) peer counseling;

“(ix) referral for substance abuse counseling and treatment; and

“(x) help line services.

“(4) **OUTREACH SERVICES.**—The term ‘outreach services’ means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

“(5) **RESPIRE CARE SERVICES.**—The term ‘respite care services’ means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

“(A) are in danger of abuse or neglect;

“(B) have experienced abuse or neglect; or

“(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title, \$66,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.”

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

SEC. 131. REPEAL OF TITLE III.

Title III of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5118 et seq.) is repealed.

Subtitle D—Miscellaneous Provisions

SEC. 141. TABLE OF CONTENTS.

The table of contents of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended to read as follows:

“Sec. 1 Short title and table of contents.

“Sec. 2 Findings.

“TITLE I—GENERAL PROGRAM

“Sec. 101 Office on Child Abuse and Neglect.

“Sec 102. Advisory Board on Child Abuse and Neglect.

“Sec 103. National clearinghouse for information relating to child abuse.

“Sec 104. Research and assistance activities

“Sec 105. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.

“Sec 106. Grants to States for child abuse and neglect prevention and treatment programs.

“Sec 107. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases

“Sec 108. Miscellaneous requirements relating to assistance

“Sec 109. Coordination of child abuse and neglect programs.

“Sec 110. Reports

“Sec 111. Definitions

“Sec 112. Authorization of appropriations.

“Sec 113. Rule of construction.

TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

“Sec 201. Purpose and authority

“Sec 202. Eligibility.

“Sec 203. Amount of grant.

“Sec 204. Existing grants.

“Sec 205. Application.

“Sec 206. Local program requirements.

“Sec 207. Performance measures

“Sec 208. National network for community-based family resource programs.

“Sec 209. Definitions.

“Sec 210. Authorization of appropriations.

SEC. 142. REPEALS OF OTHER LAWS.

(a) **TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT OF 1986.**—The Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is repealed.

(b) **FAMILY SUPPORT CENTERS.**—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.) is repealed.

TITLE II—AMENDMENTS TO OTHER ACTS

Subtitle A—Family Violence Prevention and Services Act

SEC. 201. STATE DEMONSTRATION GRANTS.

Section 303(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10420(e)) is amended—

(1) by striking “following local share” and inserting “following non-Federal matching local share”; and

(2) by striking “20 percent” and all that follows through “private sources.” and inserting “with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent.”

SEC. 202. ALLOTMENTS.

Section 304(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(a)(1)) is amended by striking “\$200,000” and inserting “\$400,000”.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

42 USC 10402.

(1) in subsection (b), by striking "80" and inserting "70"; and
(2) by adding at the end thereof the following new subsections:

"(d) GRANTS FOR STATE COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

"(e) NON-SUPPLANTING REQUIREMENT.—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title."

Subtitle B—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 ("Adoption Opportunities Act")

SEC. 211. FINDINGS AND PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "50 percent between 1985 and 1990" and inserting "61 percent between 1986 and 1994"; and

(ii) by striking "400,000 children at the end of June, 1990" and inserting "452,000 as of June 1994";

(B) in paragraph (5), by striking "local" and inserting "legal"; and

(C) in paragraph (7), to read as follows:

"(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

"(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and

"(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group"; and

(2) in subsection (b)—

(A) by striking "conditions, by—" and all that follows through "Department of Health and Human Services to—" and inserting "conditions, by providing a mechanism to—"; and

(B) by redesignating subparagraphs (A) through (C) of paragraph (2), as paragraphs (1) through (3), respectively, and by realigning the margins of such paragraphs accordingly.

SEC. 212. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (6), to read as follows:

"(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;"

(B) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(C) by inserting after paragraph (6), the following new paragraph:

"(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based and other organizations), or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption;" and

(3) in subsection (d)(2)—

(A) by striking "Each" and inserting "(A) Each";

(B) by striking "for each fiscal year" and inserting "that describes the manner in which the State will use funds during the 3 fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be"; and

(C) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations—

Grants.
Contracts.

"(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

"(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States."

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a), by striking "\$10,000,000" and all that follows through "203(c)(1)" and inserting "\$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

Subtitle C—Abandoned Infants Assistance Act of 1988

SEC. 221. PRIORITY REQUIREMENT.

Section 701 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following:

"(h) PRIORITY REQUIREMENT.—In making grants under subsection (a), the Secretary shall give priority to applicants located in States that have developed and implemented procedures for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under State law."

SEC. 222. REAUTHORIZATION.

Section 104(a)(1) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "\$20,000,000" and all that follows and inserting "\$35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001."

Subtitle D—Reauthorization of Various Programs

SEC. 231. MISSING CHILDREN'S ASSISTANCE ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

(1) by striking "To" and inserting "(a) IN GENERAL.—To";

(2) by striking "1993, 1994, 1995, and 1996" and inserting "1997 through 2001"; and

(3) by adding at the end the following new subsection:

"(b) EVALUATION.—The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title."

(b) SPECIAL STUDY AND REPORT.—Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

SEC. 232. VICTIMS OF CHILD ABUSE ACT OF 1990.

Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a)(2), by striking "and 1996" and inserting "1996, and each of the fiscal years 1997 through 2000"; and

(2) in subsection (b)(2), by striking "and 1996" and inserting "1996, and each of the fiscal years 1997 through 2000".

Approved October 3, 1996.

LEGISLATIVE HISTORY—S. 919:

SENATE REPORTS: No. 104-117 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 18, considered and passed Senate.

Sept. 25, considered and passed House, amended.

Sept. 27, Senate concurred in House amendment.

PUBLIC LAW 104-236 [S. 1675]; October 3, 1996

PAM LYNCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

An Act to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pam Lychner Sexual Offender Tracking and Identification Act of 1996".

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

"SEC. 170102. FBI DATABASE.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'FBI' means the Federal Bureau of Investigation;

"(2) the terms 'criminal offense against a victim who is a minor', 'sexually violent offense', 'sexually violent predator', 'mental abnormality', and 'predatory' have the same meanings as in section 170101(a)(3); and

"(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

"(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1);

"(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

"(C) meets the requirements for verification under section 170101(b)(3); and

"(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

"(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

"(1) each person who has been convicted of a criminal offense against a victim who is a minor;

Pam Lychner
Sexual Offender
Tracking and
Identification Act
of 1996.
42 USC 13701
note.

42 USC 14072