



SECTION BY SECTION

House Committee on Education and Labor

Chairman Robert C. "Bobby" Scott

The Stronger Child Abuse Prevention and Treatment Act (H.R. 485)

Section 1 – Short title

This Act is called the “The Stronger Child Abuse Prevention and Treatment Act.”

Section 2 – Table of Contents

This section provides the table of contents of the bill.

TITLE I – GENERAL PROGRAM

Section 101 – Repeal of Findings

This section repeals Section 2 (Congressional Findings) of the “Child Abuse and Prevention Treatment Act” (CAPTA).

Section 102 – Repeal of Advisory Board on Child Abuse and Neglect

This section repeals Section 102 (Advisory Board on Child Abuse and Neglect) of CAPTA.

Section 103 – National Clearinghouse for Information Relating to Child Abuse

This section amends Section 103 of CAPTA to require the Secretary of Health and Human Services (HHS) to develop and issue regulations establishing uniform national standards for tracking and reporting of child fatalities and near-fatalities resulting from child abuse and neglect through negotiated rulemaking. This provision would permit all states to maintain current definitions or descriptions of such fatalities for all purposes other than tracking and reporting.

Section 104 – Research and Assistance Activities

This section amends Section 104 of CAPTA to:

- Update and streamline allowed topics for research and technical assistance conducted by the Secretary of HHS to focus on issues that have been understudied and are relevant to current challenges faced by the child welfare workforce. These updated research topics include:
 - Disseminating evidence-based treatments for individuals and families experiencing trauma due to child abuse or neglect;
 - Improving outcomes for families experiencing domestic violence or substance use disorders; and
 - Determining methods for ensuring all families, regardless of racial background, are served in the child welfare system.
- Repeal demonstration grants, which will be funded through grants in Section 105.

Section 105 – Grants to States, Indian Tribes or Tribal Organizations, and Public or Private Agencies and Organization

This section amends Section 105 of CAPTA to:

- Update and streamline the purposes of grants made under this section to focus on providing effective treatment and prevention services. Topics of focus for such grants include:
 - Providing professional development for workers in the prevention, identification, and treatment of child abuse and neglect;
 - Addressing traumatic stress in families who experience high levels of adverse childhood experiences;
 - Improving coordination within the child welfare system;
 - Reducing findings of child neglect due to the economic insecurity of a family;
 - Reducing findings of child neglect due to the substance use disorder of a parent or caregiver;
 - Improving primary prevention programs at the community level;
 - Providing for a 24-hour, national hotline; and
 - Developing education for mandatory reporters.
- Require that projects funded through grants under this section establish quantifiable goals and submit to the Secretary of HHS an evaluation of effectiveness.
- Require that the Secretary of HHS only award continuing grants to projects that demonstrate effectiveness.

Section 106 – Grants to States for Child Abuse or Neglect Prevention and Treatment Programs

This section amends Section 106 of CAPTA to:

- Update and streamline the purposes of state grants meant to improve and support child protective service systems to focus on helping states provide effective services and develop an educated workforce.
- Update the requirements of state plans to ensure that states develop thorough, strategic plans to treat and prevent child abuse and neglect in consultation with families and professionals involved in child welfare systems.
- Require that states address reports concerning a child's living arrangements or subsistence needs through services or benefits and that children are not removed from their homes due to poverty.
- Require that all states establish three citizen review panels and require that reports from citizen review panels to the state and the public include certain information.

Section 107 – Miscellaneous Requirements

This section amends section 108 of CAPTA to require that state task forces established under Section 107 of current CAPTA law make recommendations to their state for how to detect and prevent systemic child sexual abuse. The recommendations will also:

- Highlight best practices for providing age appropriate education for children, and education for parents about risk factors or signs of potential child sexual abuse;
- Examine current state laws addressing child sexual abuse; and
- Examine the feasibility of making available the relationship of the perpetrator to the victim.

The task force is required to submit such recommendations to the state and the state is required to report to the Secretary of HHS the status of adopting such recommendations.

Section 108 – Reports

This section amends Section 110 of CAPTA to repeal studies that have been previously completed and requires the Secretary of HHS to carry out four new studies. One study will examine the challenges to and best practices for the scalability of treatments that reduce the trauma resulting from child abuse and neglect and reduce revictimization. A second study will examine and make recommendations concerning child abuse and neglect in Indian Tribal communities. A third study will examine state laws related to mandatory reporting and differences in referrals and investigations of child abuse and neglect due to differences in such laws. A fourth study will examine state laws regarding the minimum marriage age, the prevalence of marriage involving a child under the minimum marriage age, and the extent to which exceptions to the minimum marriage age impact children's safety.

Section 109 – Authorization of Appropriations

This section amends Section 112 of CAPTA to set the authorization level for Title I at \$270 million for fiscal year 2022 and such sums as may be necessary for fiscal years 2023 through 2027. The section also places a cap of \$100 million on discretionary activities and requires states to use no more than two percent of appropriations exceeding fiscal year 2021 levels on administrative expenses.

Section 110 – Monitoring and Oversight

This section amends Section 114 of CAPTA to require that the Secretary provide written guidance and technical assistance to help states meet the requirements related to infants born with and identified as being affected by substance use or withdrawal symptoms resulting from prenatal exposure or Fetal Alcohol Spectrum Disorder and submit to Congress a report detailing such guidance and technical assistance activities.

Section 111 –Electronic Interstate Data Exchange System

This section requires the Secretary of HHS to establish an electronic interstate data exchange system that allows states to share information from their child abuse and neglect registries with other states for purposes of child safety. Prior to rolling out the data exchange system nationwide, the Secretary must convene a working group to provide recommendations on best practices for data sharing and due process on state registries and must conduct a pilot of the data exchange system. States that receive funds from grants outlined in Section 106 are required to participate in the electronic interstate data exchange system, to the fullest extent possible, by 2027 and must provide an assurance that their state child abuse and neglect registry provides due process for individuals placed on the registry. There are \$2 million reserved from funds appropriated in Section 109 to carry out the work of this section in each of fiscal years 2022 and 2023, and \$1 million in each of fiscal years 2024 through 2027.

Section 112 – Technical and Conforming Amendments

This section makes technical and conforming amendments to CAPTA.

TITLE II – COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT

Section 201 – Purpose and Authority

This section amends Section 201 of CAPTA to:

- Establish the purposes of Title II as: 1) establishing and maintaining support for community-based family strengthening services and statewide systems-building approaches that ensure the development, operation, expansion, coordination, and evaluation of services, initiatives, programs, and activities that prevent child abuse and neglect, and 2) promoting improved access for diverse populations.

- Update the purposes of Title II grants to focus on the development of statewide networks of family strengthening services that provide a continuum of preventive services.

Section 202 – Eligibility

This section amends Section 202 of CAPTA to ensure Governors consider all entities requesting to be designated as lead entities and to ensure that the lead entity has demonstrated ongoing meaningful partnerships with parents and will work in partnership with vulnerable and diverse populations.

Section 203 – Amount of Grant

This section amends Section 203 of CAPTA to increase the reservation for Indian tribes and tribal organizations and migrant programs to five percent, except during years when increasing the reservation would cause the total amount allotted to states to be lower than the amount allotted in fiscal year 2021. This section also requires the lead entity to use no more than 10 percent of appropriations exceeding fiscal year 2021 levels on administrative expenses.

Section 204 – Application

This section amends Section 204 of CAPTA to:

- Update the term “community-based and prevention-focused programs and activities designed to strengthen and support families” to “community-based family strengthening services.”
- Require states to describe their capacity to involve parents in decision making and their plan for carrying out the requirements of this title.
- Require states to describe how they plan to incorporate evidence-based research in the process of selecting community-based programs.
- Require states to provide an assurance that when issuing regulations to improve community-based family strengthening services, states take into account how new regulations impact activities under this act in an effort to avoid duplication, minimize compliance costs, and maximize local flexibility, when appropriate.

Section 205 – Local Program Requirements

This section amends Section 205 of CAPTA to:

- Require that grants from the lead agency be used to develop, implement, operate, expand, and enhance community-based family strengthening services designed to prevent child abuse and neglect.
- Require that, in awarding grants, the lead agency consider the grantee’s capacity to address the identified needs of the community and to form collaborations with parents and other service providers.
- Require that funds from the lead agency be used for community-based family-strengthening services designed to prevent child abuse and neglect, which may include a variety of activities.

Section 206 – Performance Measures

This section amends section 206 of CAPTA to update the term “community-based and prevention-focused programs and activities designed to strengthen and support families” to “community-based family strengthening services” and to require that states report specific data on the number of programs funded and the number of families served to the Secretary of HHS.

Section 207 – National Network for Community-Based Family Resource Programs

This section amends Section 207 of CAPTA to restrict funds for technical assistance to no more than 5 percent of appropriations for this title.

Section 208 – Definitions

This section amends Section 208 of CAPTA to update the term “community-based and prevention-focused programs and activities to prevent child abuse and neglect” to “community-based family strengthening services.”

Section 209 – Rule of Construction

This section creates a special rule so that no grandparents, kinship care providers, foster parents, adoptive parents, or persons acting in a parental role can be prohibited from receiving or participating in services funded under this title.

Section 210 – Authorization of Appropriations

This section amends section 209 of CAPTA to set the authorization level for Title II at \$270 million for fiscal year 2022 and such sums as may be necessary for fiscal years 2023 through 2027. This section also allows states to provide in-kind contributions towards the amount of the state match that exceeds the state match in fiscal year 2021.

Section 211 – Study and Report

This section requires the Secretary of HHS to carry out a new study examining: 1) how many families and children are served annually in relation to appropriations levels over the three years following the enactment of the reauthorization and 2) program effectiveness. The Secretary of HHS is required to provide the Committee on Education and Labor of the House of Representatives a report summarizing the results of the study no later than four years after the enactment of this Act.

TITLE III – ADOPTION OPPORTUNITIES

Section 301 – Purpose

This section repeals subsection 201(a) (Findings) of CAPTA and amends section 201(b) to include sexual and gender minority youth in the list of children who would benefit from adoption and includes post-legal adoption services in the purpose of this title.

Section 302 – Report and Guidance on Unregulated Custody Transfers

This section requires the Secretary of HHS to draft a report examining unregulated custody transfers in the United States, including, among other information, recommendations for preventing, identifying, and responding to such transfers. The section further requires the Secretary of HHS to issue guidance and technical assistance to states based on the recommendations that arise from the report.

Section 303 – Information and Services

This section amends section 203 of CAPTA to enhance adoption services and to include Indian tribes as possible grantees for funding aimed at improving cross-jurisdictional adoptions.

Section 304 – Study and Report on Successful Adoptions

This section amends section 204 of CAPTA to repeal studies that have been previously completed and requires that the Secretary complete a study examining factors, one of which shall be parental substance use disorder, that affect adoption outcomes.

Section 305 – Authorization of Appropriations

This section amends section 205 of CAPTA to extend the authorization from fiscal year 2022 through fiscal year 2027.

TITLE IV – AMENDMENTS TO OTHER LAWS

Section 401 – Technical and Conforming Amendments to Other Laws

This section makes technical and conforming amendments to the Head Start Act and Victims of Crime Act of 1984.