



CAPTA Reauthorization Act of 2021

Sponsored by HELP Chair Patty Murray (D-WA) and Ranking Member Richard Burr (R-NC)

Section-by-Section

Section 1. Short Title

Cited as the “CAPTA Reauthorization Act of 2021”.

Section 2. Table of Contents; Findings

Strikes Section 2 of CAPTA, findings.

Amends Table of Contents.

Section 3. Definitions

Amends Section 3 of CAPTA to consolidate definitions previously included throughout Title I and Title II of CAPTA, and includes new definitions for “children and youth overrepresented in the child welfare system,” “community-based family strengthening services,” “homeless children and youth,” and “protective factors linked to the prevention of child abuse and neglect.”

TITLE I—General Program

Section 101. Interagency Work Group on Child Abuse and Neglect

Amends Section 102 of CAPTA to repeal the Advisory Board on Child Abuse and Neglect and codify the Secretary’s authority to convene the Interagency Work Group on Child Abuse and Neglect. Representatives from Federal agencies with responsibility for child abuse and neglect-related programs and activities are required to be members of the Interagency Work Group. The Work Group’s duties are to coordinate child abuse and neglect prevention and treatment activities across relevant Federal agencies, and to maximize resources and support for addressing child abuse and neglect issues in areas of critical need for the field.

Section 102. National Clearinghouse Information Related to Child Abuse

Amends Section 103 of CAPTA by updating the functions of the National Clearinghouse for Information Related to Child Abuse (which is the authorization for the “Child Welfare Information Gateway”) to include maintaining, coordinating, and disseminating information on:

- evidence-based and evidence-informed programs;
- trauma-informed practices;
- differential response;
- alternative pathways to connect families experiencing difficulty meeting basic needs or other risk factors associated with child abuse and neglect to community-based services;

- improvements to child protective services systems to prioritize serving children at risk of serious harm;
- referrals to meet the physical, developmental, and mental health needs of child victims of abuse and neglect; and
- best practices in child protective services workforce development and retention.

Requires the Clearinghouse to include information regarding best practices for collaboration between entities providing child protective services and domestic violence services, family care plans, and data on the incidence of child abuse and neglect.

Requires the Secretary to update the National Child Abuse and Neglect Data System (NCANDS) to receive information about the number of child fatalities and near fatalities that occurred due to abuse and neglect and to be able to receive and store information about the circumstances under which such fatalities or near fatalities occurred, including the cause of death listed on the death certificate; whether the child was referred to the State protective services agency; the child's placement at the time of the incident; the determination made by the child protective services agency; and any previous known maltreatment of children by the perpetrator.

Section 103. Research and Assistance Activities

Amends Section 104 of CAPTA to require coordination on child abuse and neglect research between the Administration for Children and Families, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration, and to streamline current law research topics, with an emphasis on primary prevention of child abuse and neglect, which may include research on:

- evidence-based and evidence-informed prevention research for programs to prevent child abuse and neglect in families that have not had contact with the child protective services system;
- trauma-informed treatment of child abuse and neglect;
- effective practices to reduce racial bias and disparities in the child protective services system;
- effective differential response practices to identify children at risk of serious harm and reduce the number of families unnecessarily investigated by the child protective services system;
- effective practices and programs to improve service delivery and outcomes with children and families with complex needs, such as families who have experienced domestic violence, substance use disorders, and adverse childhood experiences;
- best practices for the recruitment and retention of the child protective services workforce and their professional development;
- effective approaches to interagency collaboration between the child protective services system and domestic violence service providers to improve the delivery of services and treatment;
- child abuse and neglect issues facing Native Americans, Alaska Natives, and Native Hawaiians; and
- child abuse and neglect issues facing children and youth overrepresented in the child welfare system.

Requires the Secretary to conduct research on the national incidence and trends of child abuse and neglect (known as the “National Incidence Survey”). Additionally, requires the Secretary to include in the report to Congress information on the Secretary’s research priorities; a summary of the research conducted under this section; and the results of the National Incidence Survey and how the Secretary will improve the accuracy of the information collected under the survey.

Amends the requirement that the Secretary provide technical assistance to State and local agencies and community-based organizations, including clarification that the Secretary shall provide technical assistance to organizations that work with children or youth overrepresented in the child welfare system. Requires such technical assistance to be designed to promote best practices for addressing child abuse and neglect in families with complex needs; providing professional development for child protective services workers in trauma-informed practices; reducing racial bias and disparities in the child protective services system; leverage community-based resources to prevent child abuse and neglect; and improve coordination between the child protective services system and health care entities.

Section 104. Grants to States, Indian Tribes, or Tribal Organizations, and Public or Private Agencies and Organizations

Amends Section 105 of CAPTA to streamline competitive discretionary grant authorities under Sections 104 and 105. Authorizes the Capacity Building Grant Program and the Field-Initiated Innovation Grant Program.

Under the Capacity Building Grant Program, the Secretary may award grants to State or local agencies, Indian Tribes or Tribal organizations, and nonprofit entities to better align and coordinate community-based, local, or State activities to strengthen families and prevent, reduce, or treat child abuse and neglect, by:

- training professionals in prevention, identification, and treatment of child abuse and neglect in a variety of areas of critical need for the field, including the use of evidence-based and evidence informed practices, reducing the numbers of families unnecessarily investigated by the child protective services system, preventing racial bias;
- enhancing systems coordination and triage procedures to improve the child protective services system and connect families in need to community-based systems to minimize involvement with child proactive services; and
- building coordinated community-level systems of support for children, parents, and families to support a continuum of preventive services.

Under the Field-Initiated Innovation Grant Program, the Secretary may award grants to States or local agencies, Indian Tribes or Tribal organizations, and private or public organizations to carry out or bring to scale promising, evidence-informed, or evidence-based activities to prevent, treat, or reduce child abuse and neglect. Such projects may include:

- multidisciplinary systems of care to strengthen families;
- primary prevention programs or strategies;
- alternative pathways and systems to support families, including local or state helplines;
- innovative training for mandated reporters;
- innovative programs aligned with research priorities under section 104; and

- comprehensive and age-appropriate child sexual abuse awareness and prevention programs.

Requires evaluation of projects under this section and reporting on the outcomes of activities and requires the Secretary to provide technical assistance for such evaluations as needed.

Section 105. National Child Abuse Hotline

Authorizes the Secretary to award a grant to a nonprofit entity to provide for the ongoing operation of a 24-hour, national, toll-free hotline to provide information and assistance to children who are victims of child abuse or neglect, parents, caregivers, mandated reporters, and other concerned community members.

Sec. 106. Grants to States for Child Abuse or Neglect Prevention and Treatment Programs

Amends Section 106 of CAPTA, which authorizes the CAPTA Development and Operation Grants to States and territories. Updates uses of funds for the CAPTA State grant program to require for one or more of the following:

- improving intake, assessment, screening, and investigation of reports of child abuse or neglect, including the use of differential response, rapid response for children with repeat referrals and infants and toddlers, and protocols and training to reduce racial bias and disparities in the child protective services system;
- supporting trauma-informed response, investigation, and treatment of child abuse and neglect, including the use of children's advocacy centers;
- establishing alternative pathways to connect families in need to voluntary, community-based family strengthening services in order to enable the child protective services system to focus on children at most serious risk of harm and safely reduce the number of families unnecessarily investigated for child abuse and neglect, such as expansion of hotlines operated by child protective services to serve as help lines;
- improving case management approaches, including multidisciplinary approaches to connect families to Title IV-E services, case-monitoring to ensure child well-being, and the use of treatment teams of community service providers;
- modernizing data systems used by child protective services agencies, including improving real-time case monitoring, data sharing across public agencies, and risk and safety assessment tools that reduce and prevent bias;
- supporting training for professionals and volunteers engaged in the prevention, intervention, and treatment of child abuse and neglect;
- improving the recruitment and retention of individuals working in the child protective services system, which may include addressing the indirect trauma such individuals may experience;
- supporting public awareness campaigns to improve mandated reporting;
- supporting children and toddlers with disabilities;
- enhancing interagency collaboration between other public agencies to improve the investigations, interventions, delivery of services, and treatments provided for children and families experiencing child abuse and neglect; and
- supporting the development, implementation, and monitoring of family care plans for infants affected by substance use disorder.

Amends requirements for the CAPTA State Plan. Aligns the state plan duration period to a five year period submission cycle in line with Title IV-B of plan submission under the Social Security Act. Requires States to allow for a minimum 30 day public comment period, consult widely with stakeholders in drafting such plan, and specifically collaborate with the lead entity and community-based providers funded under Title II in developing such plan.

Requires the State to provide a description in the State plan regarding:

- the activities the State will carry out with grant funds under this section to prevent, treat, and reduce child abuse and neglect;
- the State's efforts to implement a systems building approach to develop and maintain a continuum of preventive supports;
- the training and retention activities the State will carry out with grant funds to support direct line and supervisory child protective services system workers in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect;
- the training the State will carry out with grant funds for mandatory reporting by individuals who are required to report known or suspected cases of child abuse and neglect;
- the State's policies and procedures encouraging appropriate family involvement in child protective system decision-making;
- the State's policies and procedures to promote collaboration among child protective service agencies, domestic violence service agencies, substance abuse agencies, other relevant agencies, and kinship navigators;
- the State's policies and procedures regarding the use of differential response and a timeline for the development and implementation of a rapid response system to ensure a rapid response for referrals that are repeat referrals of the same child, infants, and toddlers;
- how the State will enact policies and procedures within two years of this Act's enactment to provide timely disclosure of findings related to cases of child fatalities or near-fatalities due to child abuse and neglect, in accordance with the standards in the Child Welfare Policy Manual and applicable Federal and State privacy and confidentiality laws and regulations;
- the State's efforts to examine data on child fatalities and near fatalities due to child abuse and neglect to drive systemic change to prevent such incidents from occurring in the future, including information regarding whether the State is submitting data into NCANDS regarding all child fatalities and near-fatalities due to abuse and neglect regardless of a child's involvement with CPS, or solely data regarding such children who had contact with CPS;
- the State's efforts to reduce racial bias and disparities in its child protective services system;
- the State's efforts to improve identification and response to child abuse and neglect in order to safely reduce unnecessary investigations by State and local child protective services agencies of families solely on the basis of poverty or housing status; and
- the State's plan to ensure that within a specified timeline, each case of child abuse and neglect that results in a judicial proceeding ensures that all children are appointed a

guardian ad litem (such as a court appointed special advocate) and an attorney ad litem to provide legal representation for such child.

Updates current law requirements and adds new assurances, including that States provide an assurance that the State has policies and procedures in effect regarding:

- provisions requiring certain individuals to report known and suspected instances of child abuse and neglect as applicable under State law, including a State law for mandated reporters to include: health professionals, schools and child care personnel, law enforcement officials, social workers, camp and after-school employees, clergy, and other individuals as a State may require. Includes a limitation that States are not required to define such categories to comply with these requirements;
- procedures to provide information and training for mandated reporters who are educators on the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) to support homeless children and youth in enrolling, attending, and succeeding in school, in accordance with the State plan submitted under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);
- requiring collaboration with families affected by child abuse or neglect, and the lead entity and community-based providers supported under Title II in developing the State Plan;
- provisions and procedures to ensure that all parents shall, in all cases involving allegations of child abuse or neglect which results in a judicial proceeding, have legal representation by a trained attorney for the entire duration of the court's jurisdiction in the case; and
- policies and procedures for developing, implementing, and monitoring family care plans as required under section 402(c) to ensure the safety and well-being of infants born with and identified as being affected by substance use disorder, including alcohol use disorder, and the well-being of such infants' families and caregivers.

Maintains current law requirements that the State provide an assurance that the State has policies and procedures in effect regarding:

- provisions for immunity from civil or criminal liability under State and local laws for individuals making good faith reports of suspected or known instances of child abuse or neglect;
- procedures for the immediate screening, risk and safety assessment, and prompt investigation of reports and triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;
- procedures for immediate steps to be taken to ensure and protect the safety of a victim of child abuse or neglect or a child at risk of becoming such a victim;
- 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;
- provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information to carry out its responsibilities under law;

- provisions to require the cooperation of State law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse and neglect;
- provisions requiring the prompt expungement of any records under certain conditions;
- the establishment of citizen review panels;
- provisions requiring the expedited termination of parental rights in the case of any infant determined to be abandoned under State law and allowing an appeal process;
- provisions, procedures, and mechanisms 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 of certain crimes;
- provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse or neglect investigation, advise the individual of the complaints or allegations made against the individual;
- provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives;
- provisions requiring criminal background record checks of prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;
- provisions for systems of technology that support the State child protective services system to track reports of child abuse and neglect from intake through final disposition;
- identification and assessment of all reports involving children known or suspected to be victims of sex trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102));
- provisions and procedures for training of child protective services workers in identifying, assessing, and providing comprehensive services for children who are sex trafficking victims; and
- procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions).

Amends requirements for State citizen review panels and reduces the number of required panels from three to two. Requires such panels to examine the policies, procedures, and practices of State and local child protective services system agencies that result in families being unnecessarily investigated for child abuse and neglect (including by examining racial bias) and develop recommendations to the State regarding how to make such system more effective in protecting children who are at most serious risk of child abuse and neglect and eliminating fatalities and near-fatalities due to abuse and neglect. Requires states to develop a written memorandum of understanding with each citizen review panel that clearly outlines the panel's roles and responsibilities, and identify any support that the State will provide to the panel. Requires the appropriate State agency to submit written responses to the panel's report and recommendations, which may include examples of efforts by the State to implement the panel's recommendations.

Strengthens federal data collection by requiring States receiving CAPTA State Grants to submit agency and case-specific information into the NCANDS system through required State data reporting. The Secretary shall have the authority to waive the requirements for State submission

of any data element if a State demonstrates to the Secretary that reporting such information is not feasible or is insufficient to yield statistically reliable information. States are required to submit data regarding several data elements, including:

- the number of children who were reported to the State during the year as victims of child abuse or neglect, disaggregated, where available, by demographic characteristics including age, sex, race and ethnicity, disability, caregiver risk factors, caregiver relationship, living arrangement, and relation of victim to their perpetrator; and
- improved reporting regarding cases of child fatalities or near-fatalities, in accordance with the requirements of section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)).

Requires the Secretary to make public data collected under the State data reports, by publishing:

- an agency file that contains aggregate data; and
- a child file that contains case-specific information.

Moves annual State reporting requirements from Section 108 to Section 106, and requires States to submit an annual report to the Secretary that includes:

- the amount of funding under the CAPTA State grant used to provide to families or connect them to preventions services, and how the State implemented systems-building approaches to strategically coordinate such services to develop a continuum of preventive services;
- how the State uses differential response and provides alternative pathways for families seeking support;
- the State's efforts to reduce racial bias and disparities in the child protective services system, including changes in rates of overrepresentation of children or youth based on race or ethnicity;
- the State's efforts to safely reduce unnecessary investigations of families through the child protective system, solely based on circumstances related to poverty or housing status;
- the number of children under the age of 3 who are involved in a substantiated case of child abuse or neglect whom the child protective services system referred for early intervention services funded under part C of the Individuals with Disabilities Education Act, disaggregated, where available, by demographic characteristics including race and ethnicity, and, for children not referred for such services, a description of why such children were not referred;
- how the State used such funding to implement effective strategies to enhance collaboration among child protective services and social services, legal services, health care (including mental health and substance use disorder services), domestic violence services, educational agencies, and community-based organizations, that contribute to improvements to the overall well-being of children and families.

Requires the Secretary to provide an annual report to Congress that summarizes the State data reports required under this section, and the results of the monitoring required in Sec 110.

Cleans up the CAPTA State formula language for clarity with no impact to State allocations.

Section 107. Grants to States for Programs Relating to the Investigation and Prosecution of Child Abuse and Neglect Cases

Amends Section 107 of CAPTA by clarifying that the purpose of grants made under this section is to improve the assessment, investigation, and prosecution of suspected child abuse and neglect cases, including child sex-trafficking. Requires that state task forces include representation of individuals who are experienced in working with children or youth overrepresented in the child welfare system, and requires state task forces to develop recommendations on improving coordination to aid data sharing regarding reports of child abuse and neglect among State child protective services and law enforcement agencies.

Section 108. Miscellaneous Requirements Relating to Assistance

Amends Section 108 of CAPTA by moving requirements related to annual State reporting on uses of funds to Section 106.

Section 109. Reports

Amends Section 110 of CAPTA by eliminating previously fulfilled reports and requires five new reports to Congress and the public:

- requires the Secretary to issue a report regarding the Department's technical assistance activities that support State efforts to meet the needs and objectives specified in section 106;
- requires the Secretary to issue a report on State mandatory reporter training, laws, and barriers to such reporting;
- requires the Secretary to issue a report containing information on best practices developed by medical institutions and other multidisciplinary partners to identify and appropriately respond to injuries indicating the presence of potential physical abuse in children and data on any outcomes associated with these practices;
- requires the Comptroller General to issue a report on Indian Tribes and Tribal Organizations' efforts to prevent and reduce child abuse and neglect to provide information on promising practices for prevention employed by Indian Tribes and Tribal Organizations, and information on the number of Indian Tribes providing child abuse and neglect prevention activities. The report must also to examine Federal data systems that collect child abuse and neglect data, including Health and Human Services, Interior, and other relevant agencies, and identify potential barriers to submissions of such data and recommendations to improve the accessibility of such data for Indian Tribes; and
- requires the Comptroller General to issue a report regarding the appointment of guardians ad litem and attorneys ad litem required under CAPTA.

Section 110. Monitoring and Oversight

Amends Section 111 to require the Secretary to conduct monitoring and compliance of States in accordance with their State plans under section 106.

Section 111. Authorization of Appropriations

Amends Section 112 of CAPTA and authorizes to be appropriated to carry out Title I \$270,000,000 for fiscal year 2022 and such sums as may be necessary for each of the fiscal years 2023 through 2027.

Authorizes to be appropriated such sums as may be necessary to carry out section 108 (the authorization of the child abuse hotline discretionary grant) in each of fiscal years 2022 through 2027

Title II—Community-Based Grants for the Prevention of Child Abuse and Neglect

Section 201. Purpose

Establishes that the purpose of the title is to support community-based family strengthening services and statewide systems-building approaches to develop and expand child abuse prevention activities, and to increase access to a continuum of primary preventive services for diverse populations.

Section 202. Authorization of Grants

Authorizes formula grants to States under Title II for the purposes of:

- supporting community-based family strengthening services to assist families to build protective factors linked to the prevention of child abuse and neglect;
- promoting the development of a continuum of primary preventive services for families;
- financing the establishment, maintenance, expansion, or redesign of core services to prevent child abuse and neglect to address unmet needs identified by the lead entity;
- financing public information and education activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities; and
- providing professional development and technical assistance, including on the use of evidence-based or evidence-informed practices, public health approaches to preventing child abuse and neglect, and culturally responsive practices.

Amends the formula to require the Secretary to increase the Tribal and migrant set-aside from 1 percent in current law, to 5 percent for awards to Tribes and Tribal organizations and 1 percent for migrant programs for any fiscal year for which the amount appropriated under section 209 exceeds the amount appropriated under section 209 for fiscal year 2021 by more than \$4,000,000.

Maintains other current law formula and grant term requirements.

Section 203. Lead Entity

Restructures current law Section 202 requirements for clarity. Defines “lead entity” as a public, quasi-public, or nonprofit private entity that exists to strengthen and support families to prevent child abuse and neglect and has a demonstrated ability to work with relevant entities, provide professional development and technical assistance, and has the capacity to partner meaningfully with stakeholders, and provide leadership to the field.

Requires the Governor to designate a lead entity and give equal consideration to trust fund advisory boards and existing entities, and to submit several assurances that the lead entity will be responsible for providing direction and oversight of community-based providers of family strengthening services; have a demonstrated commitment to parental leadership and a

demonstrated ability to work with relevant agencies and organizations to develop and maintain a continuum of primary preventive services; have the capacity to provide operational support to the field; and will integrate its efforts with diverse populations and engage with diverse populations to identify and address unmet needs.

Section 204. Application

Modifies current law annual grant application requirements and requires the lead entity to submit:

- a description of —
 - the lead entity responsible for the administration of the program and oversight of community-based providers;
 - the lead entity's efforts to integrate community-based family strengthening services into a continuum of primary preventive services for children and families;
 - an inventory of unmet need in the state, identified through engagement with diverse populations, and the current community-based family strengthening services and other relevant services operating in the State;
 - the lead entity's efforts to ensure that parents, family advocates, and adults who experienced child abuse and neglect as children are meaningfully involved in the policy decision-making, implementation, and evaluation of community-based providers;
 - the lead entity's criteria to select and fund community-based providers;
 - outreach activities that the lead entity and community-based providers will undertake to maximize the participation of diverse populations;
 - performance measures;
 - the lead entity's actions to advocate for systemic change to improve primary prevention in the State; and
 - the lead entity's plan for providing operational support, professional development, and technical assistance to community-based providers.
- a budget for the development, operation, and expansion of the community-based family strengthening services that demonstrates that the State will expend, in non-Federal funds, an amount (in cash, not in kind) equal to not less than 20 percent of the amount received under this title;
- an assurance that --
 - the lead entity will use grant funds to: provide community-based family strengthening services in a manner that helps families build protective factors; use funds in a trauma-informed and culturally responsive manner; and promote coordination across public agencies and relevant entities to expand a continuum of primary preventive supports;
 - funds received under this title will be used to supplement, not supplant, other State and local public funds; and
 - the lead entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

Section 205. Uses of Funds

Requires the lead entity to use the grant funds to develop, implement, operate, expand, and enhance community-based family strengthening services, including by providing subgrants to community-based providers. Defines the term “community-based provider” to mean an entity that provides community-based family strengthening services, including an entity that is a State or local public agency or a community-based nonprofit organization.

In awarding subgrants to community-based providers, requires the lead entity to give priority to community-based providers proposing evidence-based or evidence-informed local programs to serve low-income communities or to serve young parents or parents of young children.

Modifies uses of funds under current law Section 205 to include:

- assessing community assets and needs;
- developing a comprehensive strategy to provide a continuum of primary preventive services;
- providing (directly or through community referral services) core child abuse and neglect prevention activities, including parent support and education programs; mutual support and self-help programs; parental leadership; respite care services; outreach and follow up services, including home visiting;
- connecting individuals and families to community referral services;
- developing and maintaining leadership roles of parents; and
- providing leadership in mobilizing local public and private resources to support the provision of community-based family strengthening services.

Section 206. Performance Measures

Maintains current law performance measure requirements with minor improvements, including requiring States to report the percentage of Title II funds used to support evidence-based and evidence-informed community-based family strengthening services.

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

Authorizes the Secretary to use not more than 5 percent of funds received under Title II (after making set-asides required under section 202) to support lead entities in national activities.

Section 208. Rule of Construction

Establishes a rule of construction stating nothing in this title shall be construed to prohibit grandparents, kinship care providers, foster parents, adoptive parents, or any other individual, in a parenting role from receiving or participating in services and programs under this title.

Section 209. Authorization of Appropriations

Authorizes to be appropriated to carry out Title II \$270,000,000 for fiscal year 2022 and such sums as may be necessary for each of the fiscal years 2023 through 2027.

TITLE III—Public Health Approaches to Identify and Prevent Child Fatalities and Near Fatalities Due to Child Abuse and Neglect

Amends CAPTA to add a new Title III.

Section 301. Purpose

Establishes that the purpose of this title is to develop coordinated leadership and shared responsibility at the Federal, State, and local levels to implement data-driven strategies and reforms to prevent child fatalities and near fatalities due to child abuse and neglect from occurring in the future through the use of improved collection, reporting, and analysis of all child fatalities and near fatalities due to child abuse and neglect.

Section 302. Federal Work Group on Public Health Surveillance of Child Fatalities and Near Fatalities Due to Child Abuse and Neglect

Requires the Secretary to establish the Federal Work Group on Public Health Surveillance of Child Fatalities and Near Fatalities Due to Child Abuse and Neglect within 90 days of this Act's enactment. The Secretary is required to appoint representatives to the Work Group from the Administration for Children and Families, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Department of Justice, and other Federal agencies, as the Secretary determines, and to consult with experts on this topic.

The Work Group's duties include:

- overseeing the development of uniform public health data standards that are designed to promote consistent terminology and data collection related to child fatalities and near fatalities due to child abuse and neglect; and
- examining all Federal data collections related to child fatalities and near fatalities due to child abuse and neglect and make recommendations to improve the accuracy, uniformity, and comparability of such data; ensure that such data collections are informative and can be effectively utilized by local, State, Federal policymakers and the public to make data-driven decisions to prevent such fatalities and near fatalities; and recommendations on roles of existing data systems, and how such data systems or next-generation data systems can be more effective for relevant purposes.

The Work Group is required to submit an annual report of its activities to the Secretary.

Section 303. Grants for State Child Death Review of Child Abuse and Neglect Fatalities and Near Fatalities

Authorizes the Secretary to award grants or cooperative agreements to States, Indian Tribes, and Tribal organizations to:

- support child death review programs, including at the local level, in the review of all incidents of child fatalities and near fatalities due to child abuse or neglect, including incidents in which the child was known by, or referred to, the child protective services system;
- improve data collection and reporting related to child fatalities and near fatalities due to child abuse and neglect, including intrastate and interstate data comparability; and
- develop coordinated leadership and shared responsibility across State and local public agencies that support children and families to implement data-driven strategies and reforms in order to prevent child fatalities and near fatalities due to child abuse and neglect from occurring in the future.

Establishes application requirements, uses of funds for this program, and reporting requirements.

Section 208. Authorization of Appropriations

Authorizes to be appropriated to carry out Title III \$20,000,000 for fiscal year 2022 and such sums as may be necessary for each of the fiscal years 2023 through 2027.

**TITLE IV— PUBLIC HEALTH RESPONSE TO INFANTS AFFECTED BY
SUBSTANCE USE DISORDER**

Creates a new title in CAPTA for policies and programs related to promoting a public health response to infants affected by substance use disorder, including alcohol use disorder. These provisions and programs are currently placed within Title I of CAPTA.

Section 401. Purpose

Establishes that the purpose of this section is to ensure the safety, permanency, and well-being of infants affected by substance use by supporting States in providing a public health response to infants, mothers, and families through –

- supporting the health and well-being of infants and their mothers rather than penalizing the family;
- developing comprehensive family care plans to address the needs of infants, children, and families;
- increasing access to treatment support and other services for mothers with a substance use disorder and their children, including ensuring mothers can access necessary prenatal services;
- supporting mothers and caregivers in building protective factors so that infants are at a low risk of child abuse or neglect;
- providing access to appropriate screening, assessment and intervention services for infants affected by substance use disorder, including alcohol use disorder; and
- improving the capacity of health care professionals, child welfare workers, and other personnel involved in the development, implementation, and monitoring of family care plans.

Section 402. Requirements

Requires that each State receiving federal funds under Section 106 of CAPTA or the Section 404 Family Care Plan Grant program, shall have in effect policies and procedures for family care plans that meet the requirements of this title.

Requires the Governor of each State to designate a lead agency to carry out the State's public health response to strengthen families and ensure the safety and well-being of infants born with and identified as being affected by substance use disorder, including alcohol use disorder, and such infants' families and caregivers.

Requires that, at the same time a State submits a state plan under section 106(b)(1), the lead agency designated by the Governor shall provide to the Secretary a description of the State's policies and procedures to ensure the safety and well-being of infants born with and identified as

being affected by substance use disorder, including alcohol use disorder, and the well-being of such infants' families and caregivers, including a description of—

- how the State is implementing and monitoring family care plans, including by developing family care plans prior to the expected delivery of the infant and by conducting necessary follow up to ensure that families are able to access supports and services, and to ensure the safety and well-being of infants and such infants' caregivers;
- the State's policies and procedures for requiring providers involved in the delivery or care of infants born with and identified as being affected by substance use disorder, including alcohol use disorder, to notify the lead agency designated by the Governor of the occurrence of such condition in such infants;
- the State's plan to develop a system of notifications to the lead agency designated by the Governor that is distinct and separate from the system used in the State to report child abuse and neglect, and designed to promote a public health response to infants born with, and identified as being affected by, substance use disorder, including alcohol use disorder, and not for the purpose of initiating an investigation of child abuse or neglect;
- the State's policies and procedures to ensure the development of a multi-disciplinary family care plan for the infant born and identified as being affected by substance use disorder, and such infant's affected family member or caregiver, to ensure the safety and well-being of such infant following release from the care of health care providers, including through—
 - using a family assessment approach to develop each family care plan;
 - addressing, through coordinated service delivery, the health and substance use disorder treatment needs of the infant and affected family member or caregiver; and
 - the development and implementation by the State of monitoring systems regarding the implementation of such plans to determine whether and in what manner local entities are providing, in accordance with State requirements, referrals to and delivery of appropriate services for the infant and affected family member or caregiver;

Provides further clarification that notification to the lead agency shall not be construed to establish a definition under Federal law of what constitutes child abuse or neglect; or require investigation or prosecution for any illegal action, including a response by the State's child protective services system.

Requires the lead agency designated by the Governor to provide an annual report to the Secretary on the number of infants identified as being born with and affected by substance use disorder, including alcohol use disorder; the number of infants for whom a family care plan was developed; and the number of infants for whom a referral was made for appropriate services, including services for the affected family member or caregiver.

Section 403. National Technical Assistance and Reporting

Requires the Secretary to provide technical assistance to support States in meeting the requirements for family care plans in section 402, including:

- disseminating best practices on implementation of multidisciplinary family care plans;

- addressing State-identified challenges with developing, implementing, and monitoring family care plans;
- supporting collaboration and coordination across substance abuse agencies, child welfare agencies, maternal and child health agencies, family courts, and other community partners;
- supporting State efforts to develop information technology systems to manage family care plans; and
- providing technical assistance in accordance with the infants with prenatal substance-exposure initiative developed by the National Center on Substance Abuse and Child Welfare.

Requires the Secretary to submit an annual report to Congress on the technical assistance activities provided by the Secretary, and on States' progress in developing, implementing, and monitoring family care plans to ensure a public health response to addressing the needs of infants born with and identified as being affected by substance use disorder, including alcohol use disorder and their families and as appropriate, recommendations for improving such practices.

Section 404. Grant Program Authorized

Moves the authorization for the Plans of Safe Care grant program (that was previously in Section 105 of CAPTA), to Section 404 of CAPTA. Adds a requirement that the Secretary conduct an independent evaluation of the grant program. Adds a grant reporting requirement to include information on the number and percentage of family care plans put into place prior to the mother's expected delivery date. Authorizes the program at \$60,000,000 for fiscal year 2022, and such sums as may be necessary for FY 2023-2027.

TITLE V—Adoption Opportunities

Section 501. Purposes

Amends section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (AO) to clarify the purpose of this Act is to facilitate adoption for children facing barriers to adoption, support the development and implementation of evidence-based and evidence-informed post legal adoption services, and support the recruitment of racially and ethnically diverse prospective foster and adoptive parents.

Section 502. Definitions

Creates a new section 202 in AO to define a “child facing a barrier to adoption” and “Secretary” in this Act.

Section 502. Information and Services

Amends section 203(a) of AO to update the Secretary's requirements to plan and coordinate departmental activities to facilitate the adoption of children facing barriers to adoption, services to families considering adoption of such children, and post-legal adoption services.

Amends AO grant authorities to include:

- training and curriculum on the provision of mental health supports for adoptive families to promote permanency;
- post-legal adoption services;
- best practices to reduce adoption disruption and dissolution; and
- supporting kinship adoption.

Section 204. Studies and Reports

Requires the Secretary to publish a report on research and data of the outcomes of individuals who were adopted from foster care and a summary of the post-adoption services available to families that adopted children from foster care, including the extent to which such services are evidence-based or evidence-informed.

Requires the Secretary to publish a report on children who enter into foster care under the supervision of a State after prior finalization of an adoption or legal guardianship, including adoptions of foster youth and international adoptions.

Section 205. Sense of Congress, Technical Assistance, and Report on Unregulated Custody Transfers

Adds a new section 205 in AO, which includes a sense of Congress regarding unregulated custody transfers, and states that the Department of Health and Human Services should support States in preventing, identifying, and responding to unregulated custody transfers, including of adopted children.

Requires the Secretary, in coordination with other agencies, to improve public awareness related to preventing adoption disruption and dissolution, including preventing unregulated custody transfers of adopted children, and publish a report on unregulated custody transfers.

Section 208. Authorization of Appropriations

Authorizes to be appropriated to carry out AO \$50,000,000 for fiscal year 2022 and such sums as may be necessary for each of the fiscal years 2023 through 2027.