



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

Legislative Summary

Child Abuse Prevention and Treatment Reauthorization Act (CAPTA) (Draft Legislation)

The Senate Health, Education, Labor and Pensions Committee circulated draft language for reauthorizing the Child Abuse Prevention and Treatment Act in May 2009. Leading the reauthorization effort is Chairman Chris Dodd (D-Conn.) and Sen. Mike Enzi (R-Wyo.). It is anticipated that the committee will introduce a bill in September. The findings also highlight the importance of cultural diversity in child rearing. Moreover, the legislation places strong emphasis on the use of differential response as a child abuse and neglect prevention model.

Funding

The draft bill leaves the authorization amount and time frame.

New Target Groups

The draft language includes new targeted groups, such as unaccompanied homeless youth, adult former victims of child abuse, a non-abusing caregiver of an abused or neglected child, and early childhood care providers.

Title I

Assurances

Current law requires states to certify that several practices exist in order to receive grant funding. These include services to drug-affected infants, citizen review and fatality review panels and confidentially protocols. The draft bill adds three additional requirements to the 22 in current law. The draft legislation requires states to ensure that unaccompanied homeless youths' needs are included in programs and training. It requires states to collaborate with community-based organizations and families affected by child abuse and neglect. States must certify that they possess technological systems to track child abuse and neglect reports from intake through final disposition. This may pose a challenge to states that do not have a SACWIS system in place.

In addition to drug exposure, the draft language specifies that states must ensure that fetal alcohol spectrum disorders are included in policies and procedures. Moreover, differential response can be used for children who are not at risk of imminent harm.

States must also certify that guardians ad litem and court-appointed special advocates receive early childhood development training for each substantiated case of child abuse and neglect.

New Data Requirements on Annual Reports

The draft language changes the reporting of caseworkers responsible for intake and screening to include report assessment and investigation. Reports must also include the average caseload of caseworkers involved in intake, screening, assessment and investigation. The state must provide information on state-

required education and training of personnel, demographic information of all caseworkers involved and caseload requirements.

Changes to the State Grant Formula

The draft bill redefined the way state grant resources are distributed among states. Currently, states receive money based on the amount of children in their state under the age of 18. The draft bill would make an across-the-board amount to each state and the remainder would be distributed based on child population. Each state would receive at least \$50,000 to operate its programs. If Congress appropriates additional resources, that baseline amount would increase. Moreover, if the appropriated amount decreases, so would the across-the-board amount to states.

State Grants for Investigation and Prosecution of Child Abuse and Neglect

The draft language inserts the same assurances as found in the state grant section of this legislation for investigation and prosecution grants. Under the draft language, the HHS secretary may make grants available to suspected victims of child abuse and neglect, not just victims.

State Task Forces

The draft bill encourages states that operate a task force to include adult former victims of child abuse or neglect and individuals experienced in working with homeless children and youth.

Citizen Review Panels

States are encouraged to include adult former victims of child abuse and neglect on citizen review panels. Within two years of the date of enactment, the secretary must report to Congress about the effectiveness of Citizen Review Panels regarding the following: the amount of collaboration and information sharing between the panels and the state child protective services agencies; data describing panel organizational structure; and the panel and state agencies adherence to reporting requirements.

Title II

Community-Based Grants

The draft bill includes the use of differential response as a supported activity under these state-eligible community-based grants. The legislation targets the following services for grant funds: unaccompanied homeless youth services; home visiting services; child care, early childhood education and care; intervention services; and domestic violence services to children and their non-abusing caregivers. States must ensure meaningful involvement of parents and adult former victims of child abuse or neglect in order to be eligible for community-based grants. This involvement includes leadership in the planning, implementation and evaluation of programs and policy decisions of the applicant agency. Similar to the changes in the state grants, agencies must certify that their programs and policies include unaccompanied homeless youth.

The applicant of these grants must develop a plan of preventative, family-based services to parents with young children and parents who are adult former victims of domestic violence or child abuse or neglect.

Title III

State Grants to Assist in Family Violence Prevention and Services

The bill offers grants of \$130 million for states to provide shelter, supportive services, or prevention services to adult and youth victims of family violence or domestic violence, and their dependents. Resources may be used in the following manner: increase public awareness about, and services for, family and domestic violence; provide immediate shelter and services for victims and their children; a domestic violence hotline; state domestic violence coalitions; and technical assistance to law enforcement, courts, social service, health care professionals and nonprofit organizations.

Each state may receive \$600,000, plus additional funds based on overall population. There is a state match requirement of 20 percent, with 5 percent of the total grant available for administrative costs. These grants also have several assurances, including that states will consult with and provide for the participation of the state domestic violence coalition in distributing and administering grants. Additionally, a state must certify it has a law or procedure already implemented for the eviction of the abusing spouse from a shared household. The bill states the secretary can require other reasonable assurances as deemed necessary.

The draft bill authorizes the secretary to create a National Resource Center on Domestic Violence as well as a similar resource center for Tribes.

NAPCWA Concerns

Due to the additional assurances for limited CAPTA funds, NAPCWA has concerns about the draft legislation.

Contact Information

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