

112TH CONGRESS
1ST SESSION

S. 1877

To amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2011

Mr. CASEY (for himself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Speak Up to Protect
5 Every Abused Kid Act”.

6 **SEC. 2. CHILD ABUSE AND NEGLECT.**

7 Section 3(2) of the Child Abuse Prevention and
8 Treatment Act (42 U.S.C. 5101 note) is amended to read
9 as follows:

1 “(2) the term ‘child abuse or neglect’ means, at
2 a minimum—

3 “(A) any recent act or failure to act, on
4 the part of a parent or caretaker, that results
5 in death, serious physical or emotional harm, or
6 sexual abuse or exploitation, or an act or failure
7 to act that presents an imminent risk of serious
8 harm; or

9 “(B) any deliberate act, on the part of an
10 individual other than a parent or caretaker,
11 that results in death, serious physical or emo-
12 tional harm, or sexual abuse or exploitation, or
13 that presents an imminent risk of serious harm
14 to a child.”.

15 **SEC. 3. EDUCATIONAL CAMPAIGNS AND TRAINING.**

16 The Child Abuse Prevention and Treatment Act is
17 amended by inserting after section 103 (42 U.S.C. 5104)
18 the following:

19 **“SEC. 103A. EDUCATIONAL CAMPAIGNS AND TRAINING.**

20 “(a) IN GENERAL.—The Secretary shall make grants
21 to eligible entities to carry out educational campaigns and
22 provide training regarding State laws for mandatory re-
23 porting of incidents of child abuse or neglect.

1 “(b) GUIDANCE AND INFORMATION ON BEST PRAC-
2 TICES.—The Secretary shall develop and disseminate
3 guidance and information on best practices for—

4 “(1) educational campaigns to educate members
5 of the public about—

6 “(A) the acts and omissions that constitute
7 child abuse or neglect under State law;

8 “(B) the responsibilities of adults to report
9 suspected and known incidents of child abuse or
10 neglect under State law; and

11 “(C) the ways in which adults can respond
12 to help children and families without such re-
13 porting in a case in which the circumstances do
14 not constitute child abuse or neglect under
15 State law but the child or family needs assist-
16 ance to prevent such circumstances from dete-
17 riorating so as to constitute child abuse or ne-
18 glect; and

19 “(2) training programs to improve such report-
20 ing by adults, with a focus on adults who work with
21 children in a professional or volunteer capacity.

22 “(c) APPLICATIONS.—To be eligible to receive a grant
23 under this section, an entity shall submit an application
24 to the Secretary at such time, in such manner, and con-
25 taining such information as the Secretary may require. In

1 determining whether to make a grant under this section,
 2 the Secretary shall determine whether the educational
 3 campaign or training proposed by the entity uses practices
 4 described in the guidance and information developed
 5 under subsection (b).

6 “(d) USE OF FUNDS.—An entity that receives a
 7 grant under this section shall use the funds made available
 8 through the grant to carry out an educational campaign,
 9 or provide training, described in subsection (b).

10 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 11 is authorized to be appropriated to carry out this section
 12 \$5,000,000 for fiscal year 2012 and \$10,000,000 for each
 13 of fiscal years 2013 through 2016.”.

14 **SEC. 4. GRANTS TO STATES FOR CHILD ABUSE OR NE-**
 15 **GLECT PREVENTION AND TREATMENT PRO-**
 16 **GRAMS.**

17 Section 106(b)(2)(B) of the Child Abuse Prevention
 18 and Treatment Act (42 U.S.C. 5106a(b)(2)(B)) is amend-
 19 ed by striking “(B) an assurance” and all that follows
 20 through clause (i), and inserting the following:

21 “(B) an assurance in the form of a certifi-
 22 cation by the Governor of the State that the
 23 State has in effect and is enforcing a State law,
 24 or has in effect and is operating a statewide

1 program, relating to child abuse and neglect
2 that includes—

3 “(i) provisions or procedures for an
4 individual to report suspected or known in-
5 cidents of child abuse or neglect to a State
6 child protective service agencies or to law
7 enforcement agencies, which shall include a
8 State law for mandatory reporting of such
9 incidents, to either type of agency, by any
10 adult;”.

11 **SEC. 5. APPROACHES AND TECHNIQUES TO IMPROVE RE-**
12 **PORTING.**

13 (a) ELIGIBILITY.—Section 107(b) of the Child Abuse
14 Prevention and Treatment Act (42 U.S.C. 5107c(b)) is
15 amended—

16 (1) in paragraph (4)—

17 (A) in subparagraph (A), by striking
18 “and” at the end; and

19 (B) by adding at the end the following:

20 “(C) train adults who work with children
21 in a professional or volunteer capacity, to report
22 suspected and known incidents of child abuse or
23 neglect under State law; and”; and

1 (2) in paragraph (5), by inserting before the pe-
2 riod “and the training described in paragraph
3 (4)(C)”.

4 (b) STATE TASK FORCE STUDY.—Section 107(d) of
5 such Act (42 U.S.C. 5107c(e)(2)) is amended—

6 (1) in paragraph (1), by striking “and” at the
7 end;

8 (2) in paragraph (2), by striking the period and
9 inserting “; and”; and

10 (3) by adding at the end the following:

11 “(3) evaluate the State’s efforts to train adults
12 who work with children in a professional or volun-
13 teer capacity, to report suspected and known inci-
14 dents of child abuse or neglect under State law.”.

15 (c) ADOPTION OF RECOMMENDATIONS.—Section
16 107(e)(1) of such Act (42 U.S.C. 5107c(e)(1)) is amend-
17 ed—

18 (1) in subparagraph (B), by striking “and” at
19 the end;

20 (2) in subparagraph (C), by striking the period
21 and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(D) experimental, model, and demonstra-
24 tion programs for testing innovative approaches
25 and techniques that may improve reporting of

1 and response to suspected and known incidents
2 of child abuse or neglect by adults to the State
3 child protective service agencies or to law en-
4 forcement agencies.”.

5 **SEC. 6. GENERAL PROGRAM GRANTS.**

6 Section 108 of the Child Abuse Prevention and
7 Treatment Act (42 U.S.C. 5106d) is amended by adding
8 at the end the following:

9 “(f) MANDATORY REPORTING.—To be eligible to re-
10 ceive any form of financial assistance under this title, a
11 State shall include in the corresponding plan or applica-
12 tion an assurance that the State has in effect a State law
13 for mandatory reporting described in section
14 106(b)(2)(B)(i).”.

15 **SEC. 7. REPORTS.**

16 Section 110 of the Child Abuse Prevention and
17 Treatment Act (42 U.S.C. 5106f) is amended by adding
18 at the end the following:

19 “(e) REPORT ON STATE MANDATORY REPORTING
20 LAWS.—

21 “(1) STUDY.—Not later than 4 years after the
22 date of enactment of the Speak Up to Protect Every
23 Abused Kid Act, the Secretary shall collect informa-
24 tion on and otherwise study the efforts of States re-

1 lating to State laws for mandatory reporting of inci-
2 dents of child abuse or neglect, in order to—

3 “(A) assess the implementation of the
4 amendments made by that Act; and

5 “(B) provide an update on—

6 “(i) implementation of State laws for
7 mandatory reporting described in section
8 106(b)(2)(B)(i); and

9 “(ii) State efforts to improve report-
10 ing on, and responding to reports of, child
11 abuse or neglect.

12 “(2) REPORT.—Not later than 4 years after
13 that date of enactment, the Secretary shall submit
14 to the appropriate committees of Congress a report
15 containing the findings of the study.”.

16 **SEC. 8. COMMUNITY-BASED GRANTS.**

17 Section 204 of the Child Abuse Prevention and
18 Treatment Act (42 U.S.C. 5116d) is amended—

19 (1) in paragraph (11), by striking “and” at the
20 end;

21 (2) in paragraph (12), by striking the period
22 and inserting “; and”; and

23 (3) by adding at the end the following:

1 “(13) an assurance that the State has in effect
2 a State law for mandatory reporting described in
3 section 106(b)(2)(B)(i).”.

4 **SEC. 9. EFFECTIVE DATE.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), this Act takes effect on the date of enactment of this
7 Act.

8 (b) MANDATORY REPORTING REQUIREMENTS.—The
9 amendments made by sections 4, 5(a), 6, and 8 shall apply
10 to the corresponding plans and applications submitted
11 after the date that is 2 years after the date of enactment
12 of this Act.

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