

112TH CONGRESS
1ST SESSION

S. 1879

To ensure that States have enacted criminal statutes that require individuals to report child abuse cases to law enforcement or child protective agencies.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2011

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To ensure that States have enacted criminal statutes that require individuals to report child abuse cases to law enforcement or child protective agencies.

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 “Child Abuse Reporting
5 Enforcement Act” or the “CARE Act”.

6 **SEC. 2. CRIMINAL PENALTIES FOR FAILURE TO REPORT**
7 **CHILD ABUSE.**

8 (a) IN GENERAL.—Section 2002 of the Social Secu-
9 rity Act (42 U.S.C. 1397a) is amended by adding at the
10 end the following new subsection:

1 “(g) REPORTING OF CHILD ABUSE.—

2 “(1) IN GENERAL.—A State shall not be eligible
3 for any payment from its allotment under section
4 2003 if the Secretary determines that the State has
5 failed to satisfy the requirement described in para-
6 graph (2).

7 “(2) STATE CHILD ABUSE REPORTING RE-
8 QUIREMENT.—

9 “(A) IN GENERAL.—The requirement de-
10 scribed in this paragraph is that the State has
11 enacted a law that creates a felony offense with
12 a minimum penalty of 1-year imprisonment for
13 any person who, having reasonable cause to be-
14 lieve that a child has been subjected to child
15 abuse or acts of child abuse, fails to report such
16 information immediately to the relevant State
17 law enforcement agency and the child protection
18 agency of the State.

19 “(B) IMMUNITY.—The law of a State de-
20 scribed in subparagraph (A) may provide immu-
21 nity from civil liability and criminal liability to
22 an individual who reports child abuse or acts of
23 child abuse.

24 “(C) CHILD ABUSE.—For purposes of this
25 paragraph, the terms ‘child abuse’ or ‘acts of

1 child abuse' shall have the meanings given such
2 terms in the criminal code of the State.'".

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall take effect 18 months after the date
5 of the enactment of this Act.

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