

DOCUMENT RESUME

ED 243 293

EC 162 421

TITLE Child Abuse Amendments of 1983.  
 INSTITUTION Congress of the U.S., Washington, D.C. House  
 Committee on Education and Labor.  
 REPORT NO House-R-98-159  
 PUB DATE 83  
 NOTE 32p.; Report of the U.S. Congress, House of  
 Representatives, Committee on Education and Labor,  
 1st Session. For related document, see EC 162 422.  
 PUB TYPE Legal/Legislative/Regulatory Materials (090)  
 EDRS PRICE MF01/PC02 Plus Postage.  
 DESCRIPTORS Adoption; \*Child Abuse; Child Neglect; \*Federal  
 Legislation; \*High Risk Persons; Infants;  
 \*Prevention; Staff Development  
 IDENTIFIERS \*Child Abuse Prevention and Treatment Act; Child  
 Abuse Prevention Treatment Adoptn Reform Act

ABSTRACT

The booklet presents the report of the U.S. House of Representatives Committee on Education and Labor regarding the 1983 Child Abuse Amendments to the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. The Amendment expands the definition of child abuse to include abuse by residential or home care staff, adds new provisions regarding infants at risk, provides a new thrust on prevention, stresses the importance of staff training, and requires an annual report from the National Center on Child Abuse and Neglect. Additional considerations focus on adoption of school aged and/or handicapped children. A review of the legislative background of the Child Abuse Prevention and Treatment Act is followed by data on awards and appropriations, by a cost estimate by the Congressional Budget Office, and by the amended text of the legislation. (CL)

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CHILD ABUSE AMENDMENTS OF 1983

MAY 16, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor,  
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 1904]

[Including cost estimate of the Congressional Budget Office]

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The Committee on Education and Labor, to whom was referred the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

COMMITTEE REPORT

PURPOSE

H.R. 1904 extends authorizations of appropriations for program established in the Child Abuse Prevention and Treatment Act and in the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 for 4 additional years—that is through the fiscal year ending September 30, 1987. In addition the bill author-

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izes \$30,000,000 for such programs for the fiscal year ending September 30, 1984. For each year thereafter, the bill authorizes a 5 percent increase a year over this amount in authorization levels for the four succeeding years. This represents an estimate of the inflationary increase for the next four years. Furthermore these authorizations begin at a level which represents a 7½ percent increase from levels prior to the Omnibus Budget Reconciliation Act of 1981.

#### EXPLANATION OF H.R. 1904, AS AMENDED

H.R. 1904 further defined sexual abuse to conform with the Supreme Court ruling in *Ferber versus New York*, and it holds accountable all persons who abuse children including employees of residential facilities and staff persons providing out of home care.

#### INFANTS AT RISK

H.R. 1904 amends the Act by adding several new provisions pertaining to the denial of nutrition (including fluid maintenance), medically indicated treatment, general care, or appropriate social services (including adoption programs) to infants at risk with life-threatening congenital impairments. Such an infant is considered one who is born with a medically-identifiable handicapping condition and a life-threatening condition, the latter of which requires medical intervention in order to increase the infant's chances of survival. Incidences have been reported that these handicapped infants have been denied medical treatment for life-threatening conditions, whereas infants who are not handicapped, but do have similar life-threatening conditions have received medical treatment. The purpose of these new provisions is to prevent discrimination against handicapped infants with life-threatening conditions.

H.R. 1904 further amends the Child Abuse Prevention and Treatment Act by adding a provision requiring a determination within 90 days of the enactment date of those incidents involving the denial of nutrition (including fluid maintenance), medically indicated treatment, general care, or appropriate social services (including adoption programs) to infants at risk with life-threatening congenital impairments. In addition, the Secretary shall conduct a separate study within nine months of the enactment date to determine effective means of providing Federal support and possible new legislation to provide such financial support to better treat those at risk infants.

Following the 90-day study and report, the Secretary shall within another 90 days promulgate guidelines to encourage and assist the States in establishing local health care review mechanisms for health and allied professionals and facilities that provide care to those at risk infants. These local review mechanisms would include medical professionals, disability representatives, and persons concerned with the rights of the infants. The review mechanism would provide special consideration of the uniqueness of each case while the child was being cared for, and would not prevent either the parents or health care professionals or others on the review mechanism from utilizing other procedures to appeal any findings and conclusions. In a case where the parents, attending physicians and

review mechanism occur to not treat an infant, an automatic referral of the infant will be made to a child protection agency to assure that a decision was made on medical considerations and not solely on other considerations such as the future quality of life or future living conditions.

The Committee elevated the studies and technical assistance provided to the States from the National Center to the Secretary's level to emphasize the importance of this problem and to assure that a thorough study will occur. The Committee further intends to have the medical profession, disability organizations, and advocates of children's rights involved in all phases of the development and implementation of the Secretary's guidelines and the States' local review mechanisms. It is the Committee's intent to have the guidelines promulgated within six months of the enactment date of this Act, and for the States to comply with the guidelines within one year of the enactment date of this Act. During the six months following the promulgation of the Secretary's guidelines, the Committee intends to have the Secretary of HHS provide technical assistance and training to encourage and assist the States in developing and implementing new procedures or improving present procedures to be followed by child protective services agencies, health care facilities, health and allied medical professionals, such other agencies or individuals as a State may deem appropriate, social service providers, and courts of competent jurisdiction for the purpose of insuring that the specified treatment in this Act (including services assured under the provisions of section 504 of the Rehabilitation Act of 1973) is provided for infants at risk with life-threatening congenital impairments.

It is the intent of the Committee to provide language in H.R. 1904 which will utilize the expertise and judgment of physicians as well as other attending medical professionals when decisions are made regarding infants at risk with life-threatening congenital impairments. Furthermore, it is the intent of the Committee to save the life of any at risk infant (whether or not family members agree with the judgment of the attending physician) when the attending physician deems it medically reasonable to do so. It is further the intent of the Committee to make adoption services available for those infants whose lives are saved but are unwanted by their families. It is the intent of the Committee that at risk infants' parents be provided the best possible information by the attending physicians or health facility's social service staff on: (1) options for future care, (2) available Federal, State, local, governmental and private resources which provide services, medical and other assistance, and (3) the disabling condition or conditions.

#### WAIVER FOR NONELIGIBLE STATES

H.R. 1904 includes a provision which grants a waiver of requirements other than those regarding infants at risk with life-threatening congenital impairments for those states which are currently not eligible for states' grants. The Committee intends to only exempt those states which now do not comply for two years or until the state legislatures can correct state law to comply with

Federal requirements. States already in compliance must continue such compliance and are not granted any waivers.

#### PREVENTION OF CHILD ABUSE

In 1980, the General Accounting Office (GAO) reported that NCCAN has devoted little to prevention of child abuse. It suggested that NCCAN "identify and disseminate information about practical and effective programs or approaches for preventing child abuse and neglect and help states and localities implement such approaches."

H.R. 1904 directs the Secretary to set a share of assistance under Public Law 93-247 to be directed to activities related to the prevention of child abuse and neglect. The committee expects that a substantial portion of NCCAN funds will be spent on efforts to prevent child abuse and that states will be encouraged to use a portion of their NCCAN grants for prevention activities.

The committee finds that the alternative to prevention of child abuse is too costly. The known consequences—that children who run away, who may be pulled into prostitution and pornography, who may suffer drug and alcohol abuse, have often been abused; that 80 to 90 percent of the nation's male prison population were abused as children; that violence may be learned as an acceptable way to handle problems—demand attention to the importance of preventing child abuse.

The committee believes that NCCAN could provide leadership by supporting programs that demonstrate ways to prevent child abuse in different kinds of communities. Dissemination of information about Children's Trust Funds that have already been established in a number of states could help other states develop resources to support programs for the prevention of child abuse.

It is currently estimated that 1.5 million children in this country are victims of abuse and neglect. Moreover, it is estimated that approximately 2,000 children die each year under circumstances which suggest child abuse. Prior to the passage of the Child Abuse Prevention and Treatment Act of 1974, there was no coordinated Federal effort to address this problem. The Members of the Committee believe that this act should be extended for four additional years in order to effectively combat this serious problem.

It is further the purpose of this bill to highlight the problem of increased incidents of child abuse and neglect in relation to increased unemployment rates, and to focus the attention of the States on this problem. The National Center on Child Abuse and Neglect (NCCAN) is directed to add to its areas of concern the relationship and extent to which incidents of child abuse and neglect are increasing in number and severity when unemployment increases.

Also of concern to the Committee is the relationship between nonpayment of child support and the incidence of child abuse and neglect. One of the known causes of child abuse and neglect is financial stress. There has been virtually no comprehensive examination of the relationship between lack of child support payments and the increased likelihood of child abuse and neglect. Statistics reveal that of the 4 million women awarded child support pay-

ments in 1983, only 1.9 million received the full amount, 2.2 million received partial payment, and 1.1 million did not receive any payment at all. These children are "at risk" for child abuse and neglect because of the increased and inequitable financial stress that the female head of household is forced to bear. This study is critical in ferreting out the causes of incidents of child abuse.

It is also the purpose of this bill to continue model adoption legislation and procedures, to provide for the coordination between this Act and the Adoption Assistance and Child Welfare Act, and to begin procedures to facilitate adoption opportunities for infants at risk with life-threatening congenital impairments.

#### DEFINITIONS

As provided for in Section 102, the term "residential facility" shall include, but not be limited to, short-term as well as long-term institutional care such as detention centers, psychiatric treatment centers, jails, and locked facilities.

#### POOLING OF FUNDS

The National Center on Child Abuse and Neglect was established to provide a focus in the federal government for efforts to prevent and treat child abuse. This federal program identifies child abuse as a problem of national significance demanding priority attention. With reports of child abuse rising each year, and the increasing numbers of abused children noted more recently as unemployment has grown, NCCAN continues to fulfill an important responsibility for federal attention to this serious problem.

Attempts to combine child abuse state grants with other funds in block grants to the states threatens the purpose for which child abuse state grants are authorized. Plans to fold child abuse research and demonstration grant funds into a large discretionary fund with money from other programs means that funds authorized for child abuse may totally be spent for other purposes. These actions would undermine the mission of the National Center on Child Abuse and Neglect.

The legislation would prevent that from happening by prohibiting funds appropriated under the Child Abuse Prevention and Treatment and Adoption Reform Act to be used for any purpose other than that for which they were specifically authorized.

#### TRAINING

The National Center on Child Abuse and Neglect is authorized under Public Law 93-247 to establish and maintain regional centers staffed by trained personnel to provide consultation to individuals, agencies and organizations which request such services. This Committee reaffirms that the primary responsibility of regional centers shall be the training of mandated reporting sources, namely, day care workers, hospital staff, teachers and law enforcement personnel. These professionals are required to report suspected cases of child abuse and neglect; however, there is no state coordination of efforts designed to train these on-line professionals. It is the belief of this committee that training of mandated reporters

will not only increase reporting but will facilitate the establishment of protocols for identifying infants and children at risk—identification of this population by on-line professionals who are aware of the necessity of providing support services will increase the likelihood of prevention of abuse.

Regional Centers have been increasingly asked to provide technical assistance in activities related to adoption and runaway youths. This Committee underscores the responsibilities of the Regional Centers as resource centers, for training of mandated reporting sources as well as child protective service workers. The Centers are also charged with dissemination of research and materials related to the prevention, identification and treatment of child abuse and neglect.

#### COMPREHENSIVE AND ANNUAL PLAN

H.R. 1904 requires the Advisory Board on Child Abuse and Neglect to annually report to Congress a comprehensive plan to coordinate best the goals, objectives and activities of all federal agencies responsible for programs related to child abuse and neglect. In 1980 the General Accounting Office (GAO) advised more attention to coordinating federal child abuse programs to prevent duplication and to realize more efficient use of federal resources.

The committee believes that the National Center on Child Abuse and Neglect should be brought into closer coordination with other related federal programs. With the focus on child abuse and neglect in NCCAN, greater attention to the prevention and treatment of the problem should result from a more broadly established federal effort. An annual report would encourage more coordinated planning throughout the federal government and reduce the occasion of duplicative efforts.

### TITLE II—ADOPTION OPPORTUNITIES

#### FINDINGS AND DECLARATION OF PURPOSE

The Committee hereby finds that many thousands of children remain in institutions or foster homes solely because of legal and other barriers to their placement in permanent, adoptive homes; that the majority of such children are of school age, handicapped, or both; that adoption may be the best alternative for assuring the healthy development of such children; that there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and that, in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditure of public funds, such children should not be maintained in foster care or institutions when adoption is appropriate and families for them can be found. It is, therefore, the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit by adoption, particularly children with special needs by providing a mechanism for the Department of Health and Human Services to—

- (1) promote quality standards for adoption services (including pre-placement, post-placement, and post-adoption counseling

and standards to protect the rights of children in need of adoption):

(2) provide for a national adoption and foster care information data gathering and analysis system and a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

(3) facilitate implementation of the goals and purposes specified in the Adoption Assistance and Child Welfare Act of 1980 and in the amendments made by such Act; and

(4) include those infants at risk who may not be wanted by their families due to their disability.

AUTHORIZATION AND APPROPRIATIONS

Fiscal year—	Authorizations	Appropriations
1978.....	\$5,000,000	0
1979.....	5,000,000	0
1980.....	5,000,000	5,000,000
1981.....	5,000,000	5,000,000
1982.....	2,000,000	1,900,000
1983.....	2,000,000	1,900,000

LEGISLATIVE CONSIDERATION

The Subcommittee on Select Education of the Education and Labor Committee held two oversight hearings on the implementation of the Child Abuse Prevention and Treatment Act during the 96th Congress. An oversight hearing was also held concerning the proposed Model Adoption Act authorized under Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

During the 97th Congress, the Subcommittee held two hearings on the extension of the Child Abuse Prevention and Treatment Act on March 9th and 12th, 1981 in Washington, D.C.

An oversight hearing was held during the 98th Congress on March 9, 1983. During all of the above mentioned hearings, witnesses testified as to the positive impact of this law on Child Abuse and Neglect Activities and the need for increased emphasis on these programs.

Among the witnesses heard during the oversight hearing during March 9, 1983 was Ms. Dorcas Hardy, Deputy Secretary of the Department of HHS, Washington, D.C. Those testifying during the 97th Congress were: Marjorie Baker, client of the Martin Pollack Project, Baltimore, MD; Matthew Bogin, Esquire, Washington, D.C.; Eric Brettschneider, Associate Commissioner, New York Department of Social Services, Albany, New York; Brian Cahill, Executive Director, California Association of Children's Residential Centers, Sacramento, California; John Calhoun, Commissioner for Children Youth and Families, Department of Health and Human Services, Washington, D.C.; Dr. Cecil Chamberlin, the Menninger Foundation, Topeka, Kansas; Anne H. Cohn, Executive Director, National



Committee for the Prevention of Child Abuse, Chicago, Illinois; Gregory L. Coler, Director, Illinois Department of Children and Family Services, Springfield, Illinois; Howard Davidson, Esq., Director, American Bar Association, National Legal Resource Center for Child Advocacy and Protection, Washington, D.C.; Stanley Fishman, State Coordinator, Parents Anonymous of North Carolina, Inc., Chapel Hill, North Carolina; Linda Anne Hale, Director, Parents Anonymous of Minnesota, St. Paul, Minnesota; Sharon Harrell, Project Director, Project Hands, Washington, D.C.

Other witnesses included Kingston Holcomb, Clinical Director, Martin Pollack Project, Baltimore, Maryland; Ronald F. Lauve, Associate Director, Human Resources Division, U.S. General Accounting Office, Washington, D.C.; Jerome Miller, President National Committee for Institutional Alternatives, Washington, D.C.; Dr. Ele Newberger, Children's Hospital, Boston, Massachusetts; Genevieve Okinaga, Member, Advisory Board on Child Abuse and Neglect, Hawaii; Cesar A. Perales, Assistant Secretary for Human Development Services, Department of Health and Human Services, Washington, D.C.; the Honorable Joseph R. Pisani, Chairman, New York State Temporary Commission on Child Welfare, Albany, New York; Sister Dorothy Quinn, Executive Director, Massachusetts Committee for the Prevention of Child Abuse, Boston, Massachusetts; Donna J. Stone, Founder, National Committee for the Prevention of Child Abuse, Chicago, Illinois; George Thomas, President, Regional Institute for Social Welfare Research, Athens, Georgia, Mary Lynn Walker, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C.; and Joe Wechsler, Chief, Clearinghouse Branch, National Center on Child Abuse and Neglect, Washington, D.C.

Witnesses heard during the May 14, 1980 oversight hearing regarding the proposed Model Adoption Act were Cesar A. Perales, Assistant Secretary for Human Development Services, Department of Health and Human Services, Washington, D.C.; Mrs. Lou Rosen, New York; William McKay, Fort Worth, Texas; William Schur, Fort Worth, Texas; Barbara Hoagwood, Director, Adoption and Foster Home Unit, Prince Georges County Department of Social Services, Bethesda, Maryland; David Scull, Chevy Chase, Maryland; Linda Burgess, Washington, D.C.; Florence Fisher, New York, New York; Lorraine Dusky, New York, New York; Laurie Flynn, Executive Director, North American Council on Adoptable Children, Washington, D.C.; William C. Tremiere, Administrator, Services for Children and Youth, Tressler-Lutheran Services Associates, Sydney Duncan, Executive Director, Homes for Black Children, Detroit, Michigan; and John Theban, Director, Family and Child Services, Washington, D.C.

Witnesses for the hearings on the extension of the Child Abuse Prevention and Treatment Act included Leonard Lieber, Executive Director, Parents Anonymous, Los Angeles, California; Noah Hutchison, Keesler AFB, Mississippi; Lisa Necaize, Keesler AFB, Mississippi; Elizabeth Elmer, Director, Research and Training, Parental Stress Center, Pittsburgh, Pennsylvania; Ann Wolbert Burgess, Professor and Director, Nursing Research, and Dean Ad Interim, Boston University School of Nursing, Boston, Massachusetts; Dr. James T. Kent, Associate Clinical Professor of Pediatrics and

Psychology, University of Southern California School of Medicine, and Director, Child and Family Development Programs, Children's Institute International, Los Angeles, California, Howard Davidson, Esquire, Director, American Bar Association, National Legal Resource Center for Child Advocacy and Protection, Washington, D.C.

George Thomas, President, Regional Institute for Social Welfare Research, Athens, Georgia; Vanette R. Graham, Project Director, Region III Child Abuse and Neglect Resource Center, Institute for Urban Affairs and Research, Howard University, Washington, D.C.; Adrienne Ahlgren Hauser, Associate Professor and Director, Region V Child Abuse and Neglect Resource Center, University of Wisconsin—Milwaukee, Milwaukee, Wisconsin; Elizabeth Lansdown, Los Angeles, California; Dick, Jo, and Beth, a family from California; Polly MacPherson, Connecticut Coordinator, New England Resource Center for Protective Services, Connecticut Department of Children and Youth Services, Division of Children and Protective Services, Hartford, Connecticut; Francine J. Vecchiola, Project Director, State Formula Grant, Connecticut Department of Children and Youth Services, Division of Children and Protective Services, Hartford, Connecticut; Laurie M. Flynn, Executive Director, North American Council on Adoptable Children, Washington, D.C.; and Elizabeth S. Cole, Director, Permanent Families for Children Unit, Child Welfare League of America, New York, New York.

On March 9, 1983, the Subcommittee on Select Education met in legislative session to consider H.R. 1904. After an extensive discussion, the bill was amended and unanimously reported to the Committee on Education and Labor by a voice vote.

The full Education and Labor Committee unanimously reported the bill with amendments by voice vote on May 5, 1983.

#### BACKGROUND

CHILD ABUSE PREVENTION AND TREATMENT ACT (PUBLIC LAW 93-247, AS AMENDED BY PUBLIC LAW 95-266 AND PUBLIC LAW 97-35)

##### *B. Brief description*

On January 31, 1974, the Child Abuse Prevention and Treatment Act (Public Law 93-247) was enacted to provide Federal financial assistance for the identification, prevention, and treatment of child abuse and neglect. The Act was amended by Public Law 95-266, enacted on April 24, 1978, and reauthorization was extended through fiscal year 1981.

The Act was further amended and extended through fiscal year 1983 by the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35.

The original act provided for the establishment of a National Center on Child Abuse and Neglect to collect and disseminate information on the subject as well as the incidence of child abuse and neglect. In addition, it mandated the creation of an Advisory Board on Child Abuse and Neglect to assist the Secretary of Health and Human Services in coordinating Federal programs relating to child abuse and neglect and in developing Federal standards for program dealing in this area. Funding was made available for project grants

and research contracts designed to assist in the identification, prevention, and treatment of child abuse and neglect. These projects were to include: research projects, technical assistance to public and nonprofit private agencies and organizations, and demonstration programs and projects to develop multidisciplinary training programs, establish and maintain centers to provide support services, provide technical and other assistance to professionals, and support other innovative programs designed to identify and treat child abuse and neglect. In the 1978 amendments the center's grant-making authority was expanded to include grants and contracts to ongoing service programs dealing directly with child abuse and neglect victims and their families.

The Omnibus Budget Reconciliation Act of 1981 curbed that authority only slightly.

Grants are also available to States which meet the requirements under Sec. 4(b)(2) of the act. Requirements for eligibility under the State grant program include implementation of a State program which provides for reporting of known or suspected instances of child abuse and neglect; investigation of such reports by properly constituted authorities; provision of protective and treatment services to endangered children; effective administrative procedures and personnel to deal with child abuse and neglect; immunity provisions for persons reporting suspected instances of abuse and neglect in good faith; preservation of confidentiality of records with criminal sanctions for those illegally disseminating such records; cooperation between agencies dealing with child abuse and neglect cases; appointment of a guardian ad litem to represent an abused or neglected child in a judicial proceeding; and public dissemination of information on the problems, incidence, and other related information assisting in the identification, prevention, and treatment of child abuse and neglect. The States are also required to give special preference in providing funds to parental self-help organizations dealing with child abuse and neglect. The amount of funding available to States is based on criteria established by the Secretary to achieve an equitable distribution of funds among the States and localities. No formula for allocation is specified in the law although the law requires, that to the extent possible, each State should receive some assistance.

Activities under the act are administered through the Office of the Assistant Secretary for Human Development Services, Department of Health and Human Services, Administration on Children, Youth and Families; by the Director of the National Center on Child Abuse and Neglect (NCCAN), which is located in the Children's Bureau. The following table shows the authorization and appropriate levels for the act since its enactment in 1974.

TABLE 1.—AUTHORIZATION AND APPROPRIATION LEVELS FOR THE CHILD ABUSE PREVENTION AND TREATMENT ACT

(In thousands)

Fiscal year—	Authorizations	Appropriations
1974	\$15,000	\$4,500
1975	20,000	15,000

TABLE 1.—AUTHORIZATION AND APPROPRIATION LEVELS FOR THE CHILD ABUSE PREVENTION AND TREATMENT ACT—Continued.

(In thousands)

	Authorizations	Appropriations
1976.....	25,000	18,928
1977.....	25,000	18,928
1978.....	28,000	18,928
1979.....	31,000	18,928
1980.....	34,000	22,928
1981.....	34,000	22,928
1982.....	17,000	16,199
1983.....	17,000	16,199

<sup>1</sup>The 1978 amendments specified separate authorizations through fiscal year 1981 for programs relating to child sexual abuse. These amounts were: \$3,000,000 for fiscal year 1978, \$3,500,000 for fiscal year 1979, and \$4,000,000 each for fiscal year 1980 and fiscal year 1981. These authorizations are reflected in the totals for these years.

<sup>2</sup>Congress appropriated the separately authorized funds for programs relating to child sexual abuse beginning in fiscal year 1980. This \$4,000,000 is reflected in the total appropriation figure. For a description of activities in this area, see the section on child sexual abuse, below.

*B. Summary of activities under Public Law 93-247 and Public Law 95-266, Research, Demonstration, and Service Grants*

The National Center on Child Abuse and Neglect has supported a number of research and demonstration projects directed at preventing, detecting, and treating child abuse. These have included demonstration treatment centers in which interdisciplinary teams of professionals coordinate and manage services such as child protective investigations, family assessments, and parent-counseling hotlines; and regional resource projects, which provide training and technical assistance to States and localities to help assess, coordinate, and improve services relating to child abuse and neglect.

The 1978 amendments (Public Law 95-266) made a number of changes in the grants program. These include the addition of ongoing service programs as eligible grant recipients, authorization for research grants to be made for periods of up to 3 years to allow for long-term projects, and a requirement that the National Center on Child Abuse and Neglect publish its project priorities in the Federal Register. In May 1979 the Center announced in the Federal Register that its program emphases for fiscal year 1979 and fiscal year 1980 were to be on protection for children in residential institutions, primary and secondary prevention of child abuse and neglect, and the treatment of child sexual abuse. Primary prevention was defined as the provision of educational and social services to families to help them manage their childrearing responsibilities, and thus reduce the likelihood of child abuse and neglect. Secondary prevention was defined as efforts to encourage families that are "at risk" of child abuse or neglect, but have not yet been abusive or neglectful, to take self-initiated action to get help. In fiscal year 1979, NCCAN awarded grants to 11 primary prevention and 6 secondary prevention (parental self-referral) service projects. In fiscal year 1980 NCCAN supported 3 research projects studying the abuse and neglect of children in residential institutions.

The following table shows how funds under the Act have been budgeted for fiscal years 1978, 1979, 1980, 1981, and 1982.

TABLE 2-A.—ACTIVITIES FUNDED UNDER THE CHILD ABUSE PREVENTION AND TREATMENT ACT IN FISCAL YEARS 1978, 1979, AND 1980

	1978	1979	1980
Research and evaluation .....	\$2,420,362	\$1,231,991	\$2,843,000
Demonstration/service improvement .....	<sup>1</sup> 7,423,230	<sup>1</sup> <sup>2</sup> 8,937,222	<sup>2</sup> 6,203,000
Training/technical assistance .....	3,445,275	3,688,347	3,449,000
Information dissemination .....	960,014	370,040	756,000
State grants .....	4,732,000	4,732,000	5,678,000
Projects related to child sexual abuse (separate appropriation) .....			<sup>3</sup> 4,000,000
Total .....	<sup>1</sup> 18,980,881	<sup>1</sup> 18,959,600	22,929,000

<sup>1</sup> Includes funds transferred in from other DHHS accounts.

<sup>2</sup> Includes administrative costs of project peer review panels.

<sup>3</sup> For a further breakdown of how these earmarked funds are to be allocated, see child sexual abuse below.

TABLE 2-B.—ACTIVITIES FUNDED UNDER THE CHILD ABUSE PREVENTION AND TREATMENT ACT FISCAL YEARS 1981-82 AS A RESULT OF PUBLIC LAW 97-35, THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981

	1981	1982
Research and evaluation .....	\$1,700,000	\$1,500,000
Demonstration/service improvement .....	10,200,000	5,479,000
Training/technical assistance .....	3,500,000	2,450,000
Information dissemination .....	700,000	50,000
State grants .....	6,800,000	6,720,000
Sexual abuse .....	( <sup>1</sup> )	( <sup>2</sup> )
Total .....	\$22,900,000	\$16,199,000

<sup>1</sup> Separate appropriation for sexual abuse was divided among State grants (\$1.2 million) and research and demonstration grants (\$2.8 million).

<sup>2</sup> No separate appropriation for sexual abuse was authorized in fiscal year 1982.

### State grant program

The number of States and territories eligible for funding under the State grant program has increased from 3 in fiscal year 1974, the first year the grants were awarded, to 46 in fiscal year 1980. (This figure includes 41 States, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.) Approximately \$19 thousand was awarded to the 3 States qualifying under the State grant program in 1974. In 1980, this figure was \$5,678,000, and in 1982 it was \$6,720,000.

TABLE 3.—CHILD ABUSE PREVENTION AND TREATMENT ACT STATE GRANT PROGRAM, STATE GRANTS FISCAL YEAR 1974-FISCAL YEAR 1983

Fiscal year—	Number <sup>1</sup>	Total amount awarded
1974 .....	3	\$19,335
1975 .....	17	892,000
1976 <sup>2</sup> .....	29	2,296,424
1977 .....	42	3,785,600
1978 .....	<sup>3</sup> 47	4,732,000
1979 .....	46	4,732,000
1980 .....	<sup>3</sup> 46	5,678,400
1981 .....	47	5,678,400
1982 .....	48	6,720,000

<sup>1</sup> Number of eligible States and territories.

<sup>2</sup> Includes transition quarter funds.

<sup>3</sup> Three States were designated as conditionally eligible in fiscal year 1978, contingent on the provision of additional information. This clarification was never submitted, so these 3 States were declared ineligible in fiscal year 1979.

TABLE 4-A.—CHILD ABUSE PREVENTION AND TREATMENT ACT, STATE GRANT PROGRAM—STATE GRANT AWARDS, FISCAL YEAR 1974 TO 1980

State	1974	1975	1976	Transition quarter	1977	1978	1979	1980
Alabama			\$66,187	\$47,818	\$82,093	\$96,232	\$94,466	\$146,790
Alaska						1 35,269		
American Samoa					26,712	26,919	25,856	39,015
Arkansas		\$36,800	45,659	35,971	56,736	66,059	67,339	99,480
California			256,283	170,215	332,835	410,767	431,353	651,654
Colorado					63,874	74,803	77,607	115,218
Connecticut		44,700	56,934	41,875	70,399	78,744	80,036	117,160
Delaware			27,309	( <sup>2</sup> )	33,989	36,562	36,261	53,529
District of Columbia					34,759	37,178	36,979	53,918
Florida					136,560	163,968	177,841	253,748
Georgia			84,265	58,613	104,188	124,065	128,005	188,757
Guam						28,799	27,577	42,872
Hawaii	\$2,514	27,200	30,963	26,676	38,574	43,151	42,775	64,118
Illinois		112,800	158,443	102,648	195,437	231,458	235,032	351,477
Indiana						125,974		
Iowa						78,005	80,256	117,354
Kansas			46,826	35,980	58,059	66,428	68,554	100,160
Kentucky					77,334	90,813	93,670	138,727
Louisiana			71,940	51,156	89,121	106,700	110,065	163,207
Maine		28,600	33,180	27,955	41,257	46,107	46,197	68,393
Massachusetts		65,800	88,775	60,981	109,371	124,004	129,496	184,774
Michigan			139,316	58,613	171,396	199,191	208,543	303,390
Minnesota		53,400	70,309	49,877	86,870	99,619	103,551	150,967
Mississippi					64,886	76,096	76,331	115,703
Missouri		58,100	77,462	39,579	95,575	110,333	115,640	57,634
Montana							40,667	60,427
Nebraska					48,460	54,482	55,085	81,118
Nevada						38,040		
New Hampshire		26,600	30,148	26,108	37,500	41,612	41,836	62,078
New Jersey			108,331	72,416	133,427	153,931	157,593	231,793
New Mexico					44,781	( <sup>3</sup> )	51,441	76,942
New York	12,422	161,700	231,806	146,575	285,198	332,323	337,455	451,070
North Carolina					107,634	127,822	132,366	194,294
North Dakota		25,500	28,243	24,901	35,130	38,348	37,972	56,444
Ohio					109,905	221,482	226,176	337,197
Oklahoma		41,100	52,192	39,318	64,821	76,342	79,263	116,771
Puerto Rico			65,643	51,819	83,445	104,730	96,706	163,402
Rhode Island			31,042	26,487	38,498	41,858	41,781	61,398
South Carolina					70,638	82,808	84,838	125,514
South Dakota			28,748	25,232	35,790	39,026	38,800	57,415
Tennessee	4,399	53,600	70,581	50,635	87,400	103,929	108,188	158,545
Texas			139,316	91,284	219,090	276,287	284,186	434,829
Utah		31,200	37,224	30,677	46,439	55,467	56,961	86,559
Vermont		23,900	25,988	23,528	32,358	35,023	34,660	51,392
Virgin Islands					26,399	28,299	27,175	41,036
Virginia		59,700	80,572	56,411	99,667	117,969	121,768	177,294
Washington			62,339	45,663	77,400	91,552	95,989	144,069
West Virginia					51,619	59,531	59,942	89,862
Wyoming						33,915	33,722	50,906

<sup>1</sup> Alaska, Indiana, and Nevada were conditionally eligible in fiscal year 1978, and further information was requested by the National Center on Child Abuse and Neglect. This information was never received, and the 3 States were again placed in an ineligible status. Their State grants were never awarded, and the funds were subsequently returned to the U.S. Treasury.

<sup>2</sup> Applied to late for transition quarter.

<sup>3</sup> New Mexico was found to be eligible for a fiscal year 1977 award, but the National Center on Child Abuse and Neglect later challenged its compliance with all the State requirements. There was a lapse of a year before the State's eligibility was clarified and funding resumed. Thus, no funds were awarded to New Mexico in fiscal year 1978.

TABLE 4-B.—CHILD ABUSE PREVENTION AND TREATMENT ACT, STATE GRANT PROGRAM, STATE GRANT AWARDS, FISCAL YEARS 1981 and 1982

State	1981	1982
Alabama	\$143,957	\$139,304
Alaska	0	0
American Samoa	38,958	36,428
Arkansas	99,019	95,276
California	623,015	608,676
Colorado	111,601	107,602
Connecticut	113,198	108,902
Delaware	52,791	49,981
District of Columbia	50,638	47,868
Florida	253,695	246,825
Georgia	188,419	182,868
Guam	42,046	39,454
Hawaii	62,780	59,769
Idaho	0	62,540
Illinois	334,510	326,005
Indiana	0	0
Iowa	113,194	109,164
Kansas	96,979	93,277
Kentucky	136,755	132,249
Louisiana	159,398	154,434
Maine	66,958	63,862
Massachusetts	173,836	168,845
Michigan	289,703	282,104
Minnesota	144,932	140,259
Mississippi	112,128	108,119
Missouri	162,375	157,351
Montana	50,755	55,825
Nebraska	78,495	75,166
Nevada	57,231	54,333
New Hampshire	61,155	58,277
New Jersey	219,957	213,767
New Mexico	75,669	72,397
New York	467,158	455,972
North Carolina	189,264	183,695
North Dakota	55,008	52,155
Ohio	321,128	312,894
Oklahoma	115,862	111,777
Puerto Rico	146,574	141,868
Rhode Island	59,754	56,809
South Carolina	123,814	119,568
South Dakota	56,328	54,448
Tennessee	156,520	151,613
Texas	432,162	421,682
Utah	87,005	83,504
Vermont	50,820	48,050
Virgin Island	40,681	38,116
Virginia	172,659	167,402
Washington	141,882	137,271
West Virginia	88,795	85,258
Wyoming	50,861	48,090

The original Act provided that up to 20 percent of appropriated funds could go toward the State grant program. By 1977, when reauthorized of the act was being considered, there was concern that as more States became eligible for State grants, the amount of funding for each State might diminish because of the limitation on State grant funding to 20 percent of the total appropriation. Congress responded by amending the Act to provide that no less than

25 percent of appropriated funds go toward the State grant program in fiscal years 1978 and 1979, and no less than 30 percent in fiscal years 1980 and 1981. The amendments also stipulated that if a State has failed to obligate the funds awarded it under the State grant program within 18 months, its next award would be reduced by that amount. This was done in response to the frequent failure of States to expend their total allocation.

The Omnibus Budget Reconciliation Act of 1981 did not extend these percentage requirements. H.R. 1904 again provides for these percentage requirements as they existed prior to Public Law 97-35.

According to DHHS sources, it is not apparent whether this change in the law has resulted in more rapid budgeting and spending by the States.

#### *Child sexual abuse*

The original Child Abuse Prevention and Treatment Act included sexual abuse in the definition of child abuse, and in the 1978 amendments the definition was expanded to include sexual exploitation, or the use of children in pornography. The Congress demonstrated concern about other forms of child sexual abuse besides sexual exploitation by specifically authorizing appropriations, beginning in 1978, for the study, treatment, and prevention of child sexual abuse. Child sexual abuse was defined as the use of children in pornographic films and photographs, and rape, molestation, incest, and prostitution of children. The 1978 amendments provided separate authorizations of \$3 million for fiscal year 1978, \$3.5 million for fiscal year 1979, and \$4 million each for fiscal year 1980 and fiscal year 1981, specifically for programs directed at child sexual abuse. The fiscal year 1980 appropriations included, for the first time, the authorized \$4 million for child sexual abuse-related programs. The following table shows how this earmarked \$4 million was budgeted.

Research.....	\$210,000
Demonstration/service improvement.....	2,289,000
Training/technical assistance.....	300,000
State grants.....	1,200,000
Total.....	3,999,000

The activities funded by NCCAN in fiscal year 1980 with this separate appropriation included 4 research projects, 6 demonstration prevention projects, 14 service improvement projects, and 5 treatment training institutes, which have been developing materials and in-service training programs to familiarize professionals with issues and treatment techniques related to child sexual abuse.

The Omnibus Budget Reconciliation Act of 1981 eliminated all funds for sexual abuse programs. H.R. 1904 restores \$3,000,000 of funding.

H.R. 1904 extends authorizations of appropriations for programs under the Child Abuse Prevention and Treatment and Adoption Reform Act for four years. Authorization levels under H.R. 1904 begin at a level which represents a 7½-percent increase from levels prior to the Omnibus Budget Reconciliation Act of 1981. For the fiscal year 1984, authorization for programs under the Act would total \$30,000,000. The level would increase at a rate of 5 percent a



year for the following three years. This represents a cautious estimate of future rates of inflation.

#### RELIGIOUS EXCEPTION

This bill does not affect in any way State laws relating to the rights or culpability of parents in instances where children or infants are not provided medical care as the result of the parents' religious beliefs. Under present regulations implementing the "Child Abuse Prevention and Treatment Act," the States have the option to exempt or to exempt religiously motivated omissions of medical treatment to children from their definitions of child abuse and neglect. In keeping with a long-established precedents, most States have chosen to provide an exemption in these situations. Nothing in this bill alters, or is intended to alter, the States' option in this regard with respect to the care of handicapped infants.

Such exemptions under State law mean no more than in cases where the omission of medical treatment is motivated solely by the religious convictions of the parents; the parents may not be found culpable of child abuse or neglect. The authorities may still intervene to protect the life or health of the child. Courts or other authorities may retain authority under State law to intervene when the omission of medical treatment endangers a child's or infant's life or seriously threatens his or her health.

#### COST OF THIS LEGISLATION

##### A. ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate and comparison prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, as timely submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, D.C., May 12, 1983.

Hon. CARL D. PERKINS,  
*Chairman, Committee on Education and Labor,  
House of Representative, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimates for H.R. 1904, Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983, as ordered reported from the House Education and Labor Committee on May 5, 1983.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimates.

Sincerely,

ALICE M. RIVLIN, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 1904.

2. Bill title: Child Abuse and Treatment and Adoption Reform Act Amendments of 1983.

3. Bill status: As ordered reported from the House Education and Labor Committee, May 5, 1983.

4. Bill purpose: The purpose of this bill is to amend and extend for four years the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. This bill is subject to subsequent appropriations action.

5. Estimated cost to the Federal Government:

[By fiscal years, in thousands of dollars]

	1984	1985	1986	1987	1988
Authorization levels:					
Child Abuse and Neglect Act .....	25,000	26,250	27,563	28,941	
Sex abuse grants .....	3,000	3,150	3,308	3,473	
Adoption opportunities .....	2,000	2,100	3,205	2,315	
Total Authorization Level .....	30,000	31,500	33,076	34,729	
Total Estimated Outlays .....	17,700	27,885	32,280	33,895	14,074

The costs of this bill fall within budget function 500.

Basis of estimate: The costs of this bill are the authorization levels specifically stated in the bill. The estimate assumes full appropriation of authorization levels. Estimated total outlays reflect the current program spending patterns of 59 percent the first year, 31 percent the second year and the remainder the third year. This bill also requires the Secretary to conduct two studies to determine the incidents of denial of medical treatment to infants with life-threatening congenital impairments and to determine the most effective means of providing federal financial support for these infants. These two studies are estimated to cost between \$200 thousand and \$400 thousand assuming two to five person years. The cost of the technical and training assistance to states cannot be determined since it is to be based on the result of the studies.

6. Estimated cost to State and local governments: This bill extends the current set-asides for maximum and minimum grants to assist states in carrying out child abuse and neglect prevention and treatment programs. Just over one-third of the funds appropriated in 1983, or approximately \$7 million, went to states for this purpose. If the maximum authorization levels in this bill are appropriated, state grants to participating states could range between \$10 million and \$15 million in 1984.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Kalcevic.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

#### B. COMMITTEE ESTIMATE

In compliance with clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the committee adopts the estimate prepared by the Director of the Congressional Budget Office.

## INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4), rule XI of the Rules of the House of Representatives, the committee estimates that the enactment of H.R. 1904 will have little inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

## OVERSIGHT STATEMENT

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings and recommendations of the Subcommittee on Select Education, established pursuant to clause 2(B)(1) of rule X of the House of Representatives and rule 18(a) of the Rules of the Committee on Education and Labor.

## OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

In compliance with clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the committee states that no findings or recommendations of the Committee on Government Operations were submitted to the committee with reference to the subject matter specifically addressed by H.R. 1904.

## SECTION-BY-SECTION ANALYSIS

Sec. 2(a) is amended to change Secretary of HEW to Secretary of HHS.

Sec. 2(b)(6) is amended to expand the National Center on Child Abuse and Neglect (NCCAN) duties to include studies of child abuse and neglect incidents as caused by increased unemployment. It further expands NCCAN's duties to include studies of nonpayment of child support.

Adds number (8) to Sec. 2(b) as follows:

*(8) beginning not later than one year after the date of enactment of the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983, compile, publish, and disseminate information relating to the development of resources for the prevention of child abuse and neglect and provide technical assistance to States on the development of resources.*

Sec. 2(c) is amended to delete any gender reference to the Secretary.

(c) [The Secretary may carry out his functions under subsection (b) of this section] *The functions of the Secretary under subsection (b) of this section may be carried out either directly or by way of grant or contract. Grants may be made under subsection (b)(5) for periods of not more than three years. Any such grant shall be reviewed at least annually by the Secretary, utilizing peer review mechanisms to assure the quality and progress of research conducted under such grant.*

Adds (e) which prohibits any grant or contract funds from being used for any purpose other than that for which such funds were specifically authorized.

Sec. 3 is amended to include employees of a residential facility in the definition of those who abuse or neglect children or staff person providing out of home care.

Sec. 4(b)(2)(B) is amended to include a reporting procedure to appropriate authorities of any known or suspected instance of the denial of nutrition (including fluid Maintenance), medically indicated treatment, general care, or appropriate social services to infants at risk with life-threatening congenital impairments. This would begin one year after the enactment date of the Act.

Sec. 4(b)(2)(E) is amended to delete any gender reference of a child.

Sec. 4(b)(2)(K) is added as follows:

*(K) have in place throughout the State within one year after the effective date of the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983 procedures consistent with guidelines promulgated by the Secretary under subsection (d) to be followed by child protective service agencies, health care facilities, health and allied medical professionals, such other agencies or individuals as a State may deem appropriate, social service providers, and courts of competent jurisdiction, to ensure that nutrition (including fluid maintenance), medically indicated treatment, general care, and appropriate social services are provided to infants at risk with life-threatening congenital impairments.*

Sec. 4(b)(3) is amended to conform with title XX of the Social Services Block Grant as follows:

(3) [Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2).] *Programs or projects related to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), (F) and (K) of paragraph (2), and these requirements shall apply to child abuse and neglect programs and projects assisted under title XX (Social Services Block Grant) of such Act.*

*(f) The Secretary, in consultation with the Advisory Board, shall ensure that a proportionate share of assistance under this Act is available for activities related to the prevention of child abuse and neglect.*

Sec. 4(b) is amended to grant a two year waiver of requirements for those States that do not comply now and are therefore presently not eligible for states' grants.

Sec. 5(a) is amended to include funding authorizations of:

\$25,000,000 for fiscal year 1984

\$26,250,000 for fiscal year 1985

\$27,563,000 for fiscal year 1986

\$28,941,000 for fiscal year 1987

Sec. 5(b)(1) is amended to include funding authorizations of:

\$3,000,000 for fiscal year 1984

\$3,150,000 for fiscal year 1985

\$3,308,000 for fiscal year 1986

\$3,473,000 for fiscal year 1987

Sec. 5(b)(3) is amended to redefine "sexual abuse" to conform with a recent Supreme Court ruling.

Sec. 7(b) is amended to require the Secretary to study and determine those incidents which involve denial of nutritional and medical treatment to at risk infants. The Secretary shall review the report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research and shall submit such findings within 90 days after the effective date of the Act.

Sec. 7(c) is amended to require the Secretary to study the most effective means of providing Federal financial support, other than the use of funds provided through the Social Security Act, for medical treatment, care, and appropriate social services for at risk infants. This report is separate, shall not hinder the one year time limit set for States to comply with the Secretary's guidelines, and shall be reported within 270 days after the effective date of the enactment of the Act.

Sec. 7(d) is amended to require the Secretary to promulgate guidelines within 90 days after the submission of findings in section 7(b) to encourage and assist the States in establishing local health care mechanisms for the review of care provided to infants at risk.

Sec. 7(e) is amended to require the Secretary to provide technical assistance and training within three days of the promulgation of guidelines in section 7(d) to encourage and assist the States in developing and implementing new procedures or improving present procedures to provide care and services to at risk infants.

Sec. 107 is amended as follows:

Sec. 8. No provision of this Act may be so construed as to limit or lessen any right or protection under section 504 of the Rehabilitation Act of 1973.

Sec. 201 of Title II is amended to include infants at risk life-threatening congenital impairments under the adoption opportunities programs.

Secs. 201 and 202 are both amended to change HEW to HHS.

Sec. 202(d) is added as follows:

*(d) The Secretary shall review all model adoption legislation and procedures developed or promulgated under the terms of this section for the purpose of making such changes as are considered appropriate to facilitate adoption opportunities for infants at risk with life-threatening congenital impairments.*

Sec. 203 is amended to change HEW to HHS.

Sec. 205 is amended to include funding authorizations of:

\$2,000,000 for fiscal year 1984

\$2,100,000 for fiscal year 1985

\$2,205,000 for fiscal year 1986

\$2,315,000 for fiscal year 1987

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## CHILD ABUSE PREVENTION AND TREATMENT ACT

## THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 2. (a) The Secretary of [Health, Education, and Welfare] *Health and Human Services* (hereinafter referred to in this Act as the "Secretary") shall establish an office be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this Act as the "Center").

(b) The Secretary, through the Center shall—

(1) \* \* \*

[(6) make a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity; and

[(7) in consultation with Federal agencies serving on the Advisory Board on Child Abuse and Neglect (established by section 6 of this Act), prepare a comprehensive plan for seeking to bring about maximum coordination of the goals, objectives, and activities of all agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and submit such plan to such Advisory Board not later than twelve months after the date of enactment of this clause.]

*(6) study and investigate the national incidence of child abuse and neglect, including a determination of what relationship may exist between unemployment and between nonpayment of child support, and child abuse and neglect, and the extent to which incidents of child abuse and neglect are increasing in number and severity, and submit such findings to Congress together with such recommendations for administrative and legislative changes as are appropriate within two years after the date of enactment of the Child Abuse Amendments of 1983;*

*(7) the Advisory Board on Child Abuse and Neglect shall annually prepare a report on efforts to bring about coordination of the goals, objectives, and activities of agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and submit such report annually to Congress; and*

*(8) beginning not later than one year after the date of enactment of the Child Abuse Amendments of 1983, compile, publish, and disseminate information relating to the development of resources for the prevention of child abuse and neglect and provide technical assistance to States on the development of resources.*

(c) [The Secretary may carry out his functions under subsection (b) of this section] *The functions of the Secretary under subsection (b) of this section may be carried out either directly or by way of grant or contract. Grants may be made under subsection (b)(5) for periods of not more than three years. Any such grant shall be re-*

viewed at least annually by the Secretary, utilizing peer review mechanisms to assure the quality and progress of research conducted under such grant.

*(e) No funds appropriated under this Act for any grant or contract may be used for any purpose other than that for which such funds were specifically authorized.*

#### DEFINITION

SEC. 3. For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse, or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen, or the age specified by the child protection law of the State in question, by a person *(including any employee of a residential facility or any staff person providing out of home care)* who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

#### DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS

SEC 4. (a) \* \* \*

(b)(1) The Secretary, through the Center, is authorized to make grants to the States for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provisions for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect, *including (within one year after the date of enactment of the Child Abuse Amendments of 1983) the establishment of a procedure for any interested person to report to appropriate authorities any known or suspected instance of the denial of nutrition (including fluid maintenance), medically indicated treatment, general care, or appropriate social services to infants at risk with life-threatening congenital impairments;*

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such

personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, [his] and the child's parents or guardians:

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; [and]

(J) to the extent feasible insure that parental organizations combating child abuse and neglect receive preferential treatment[.]; and

(K) *within one year after the date of enactment of the Child Abuse Amendments of 1983, have in place throughout the State procedures (consistent with guidelines promulgated by the Secretary under section 7(d)) to be followed by child protective service agencies, health care facilities, health and allied medical professionals, such other agencies or individuals as a State may deem appropriate, social service providers, and courts of competent jurisdiction, to ensure that nutrition (including fluid maintenance), medically indicated treatment, general care, and appropriate social services are provided to infants at risk with life-threatening congenital impairments.*

If a State has failed to obligate funds awarded under this subsection within eighteen months after the date of award, the next award under this subsection made after the expiration of such period shall be reduced by an amount equal to the amount of such unobligated funds unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

[(3) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2).]

(3)(A) *Subject to subparagraph (B), any State, which on the date of enactment of the Child Abuse Amendments of 1983 does not qualify for assistance under their subsection, may be granted a waiver of any requirements under paragraph (2), for a period of not more than two years, if the Secretary makes a finding that such State is making a good faith effort to comply with any such requirements.*

(B) *No waiver under subparagraph (A) may apply to any requirement under paragraph (2)(K), or any requirement involving infants at risk with life-threatening congenital impairments under paragraph (2)(B).*

(4) *Programs or projects related to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in subparagraphs (B), (C), (E), (F), and (K) of paragraph (2), and these requirements shall apply, to the extent the State finds feasible, to child abuse and neglect programs*



and projects assisted under title XX (Social Services Block Grant) of such Act.

(c) Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

(e) *The Secretary, in consultation with the Advisory Board on Child Abuse and Neglect, shall ensure that a proportionate share of assistance under this Act is available for activities related to the prevention of child abuse and neglect.*

[(e)] (f) For the purpose of this section, the term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam and the Trust Territories of the Pacific.

#### AUTHORIZATIONS

SEC. 5. (a) There are hereby authorized to be appropriated for the purposes of this Act \$15,000,000 for the fiscal year ending June 30, 1974, \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal year, \$25,000,000 for the fiscal year ending September 30, 1978, \$27,500,000 for the fiscal year ending September 30, 1979, and \$30,000,000 each for the fiscal years ending September 30, 1980, and September 30, 1981, respectively. *There are hereby further authorized to be appropriated for the purposes of this Act \$25,000,000 for fiscal year 1984, \$26,250,000 for fiscal year 1985, \$27,563,000 for fiscal year 1986, and \$28,941,000 for fiscal year 1987.* Of the funds appropriated for any fiscal year under this section, not less than 50 per centum shall be used for making grants or contracts under sections 2(b)(5) (relating to research) [and 4(a) (relating to demonstration or service projects), giving special consideration to continued Federal funding of child abuse and neglect programs or projects (previously funded by the Department of Health, Education, and Welfare) of national or regional scope and demonstrated effectiveness, of not less than 25 per centum shall be used for making grants or contracts under section 4(b)(1) (relating to grants to States) for the fiscal years ending September 30, 1978, and September 30, 1979, respectively, and not less than 30 per centum shall be used for making grants or contracts under section 4(b)(1) (relating to grants to States) for each of the fiscal years ending September 30, 1980, and September 30, 1981, respectively.]; *4(a) (relating to demonstration of service projects), and 2(b)(1) and 2(b)(3) (relating to information dissemination), giving special consideration to continued Federal funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, and not less than 30 per centum shall be used for*

*making grants or contracts under section 4(b)(1) (relating to grants to States) for each of fiscal years 1984 through 1987.*

(b)(1) There are authorized to be appropriated [ \$3,000,000 for the fiscal year ending September 30, 1978, \$3,500,000 for the fiscal year ending September 30, 1979, and \$4,000,000 each for the fiscal years ending September 30, 1980, and September 30, 1981, respectively, ] \$3,000,000 for fiscal year 1984, \$3,150,000 for fiscal year 1985, \$3,308,000 for fiscal year 1986, and \$3,473,000 for fiscal year 1987 for the purpose of making grants and entering into contracts (under sections 2(b)(5) (relating to research), 4(a) (relating to demonstration or services projects), and 4(b)(1) (relating to grants to States)) for programs and projects (including the support of not less than three Centers for the provision of treatment, and personnel training, and other related services) designed to prevent, identify, and treat sexual abuse of children, including programs involving the treatment of family units, programs for the provision of treatment and related services to persons who have committed acts of sexual abuse against children, and programs for the training of personnel.

(2) Of the sums appropriated under this subsection, not more than 10 per centum shall be expended under section 2(b)(5) (relating to research).

(3) As used in this subsection, the term—

(A) "sexual abuse" includes the obscene or pornographic photographing, filming, or depiction of children [for commercial purposes,] *including the use or intent to use a child in any play, motion picture, photograph, or dance, or any other visual presentation exhibited before an audience, if knowing the character and content thereof, any individual or entity employs, authorizes, or induces a child to engage in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals,* or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstance which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary; and

(B) "child" or "children" means any individual who has not attained the age of eighteen.

#### ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 6. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, [including the Office of Child Development, the Office of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration] *and not less than three members from the general public with experience or expertise in the field of child abuse and neglect.* The Advisory Board shall assist the Secretary in coordinating programs and activities

related to child abuse and neglect planned, administered, or assisted under this Act with such programs and activities planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

\* \* \* \* \*

COORDINATION

SEC. 7. (a) The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination [between] among programs related to child abuse and neglect under this Act and other such programs which are assisted by Federal funds.

(b) *The Secretary, in coordination with the Surgeon General, the Assistant Secretary for Health, and the Assistant Secretary of Human Development Services, shall study and determine those incidents involving the denial of nutrition (including fluid maintenance), medically indicated treatment, general care, or appropriate social services to infants at risk with life-threatening congenital impairments, shall conduct a review, including a review of the report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research entitled "Deciding to Forego Life-Sustaining Treatment", and shall submit such findings to Congress together with such recommendations for administrative and legislative changes as are appropriate within 90 days after the date of enactment of the Child Abuse Amendments of 1983.*

(c) *The Secretary of Health and Human Services shall conduct a study to determine the most effective means of providing Federal financial support, other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for infants at risk with life-threatening congenital impairments. The Secretary shall report the results of the study to the Congress not later than 270 days after the date of the enactment of the Child Abuse Amendments of 1983 and shall include in the report recommendations for legislation to provide such financial support.*

(d) *Based on the findings and recommendations of the studies required in subsection (b), the Secretary, in coordination with the Surgeon General and the Assistant Secretary of Health, and the Assistant Secretary of Human Development Services, and in consultation with providers of health care to infants at risk with life-threatening congenital impairments and their advocates, shall publish, no later than 90 days after submission to Congress of the findings and recommendations required in subsection (b), procedural guidelines to encourage and assist the States in establishing local health care mechanisms for the review of care provided to infants at risk with life-threatening congenital impairments. The guidelines shall address procedures to be implemented in instances in which such infants may be denied nutrition (including fluid maintenance) medically indicated treatment, and general care.*

(e) *Within 3 days after the promulgation of procedural guidelines required in subsection (d), the Secretary shall, in consultation with the Advisory Board on Child Abuse and Neglect, provide technical assistance and training to encourage and assist the States in developing and implementing new procedures or improving present procedures, consistent with such guidelines, to enable child protective service agencies, health care facilities, health and allied medical professionals, such other agencies or individuals as a State may deem appropriate, social service providers, and courts of competent jurisdiction to respond to instances of the withholding of nutrition (including fluid maintenance), medically indicated treatment, or general care and appropriate social services to infants at risk with life-threatening congenital impairments.*

#### STATUTORY CONSTRUCTION

SEC. 8. *No provision of this Act may be so construed as to limit or lessen any right or protection under section 504 of the Rehabilitation Act of 1973.*

### CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

#### TITLE II—ADOPTION OPPORTUNITIES

##### FINDINGS AND DECLARATION OF PURPOSE

SEC. 201. The Congress hereby finds that *the welfare of infants at risk with life-threatening congenital impairments may be in serious jeopardy*; many thousands of children remain in institutions or foster homes solely because of legal and other barriers to their placement in permanent, adoptive homes; that the majority of such children are of school age, handicapped, or both; that adoption may be the best alternative for assuring the healthy development of such children; that there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and that, in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not be maintained in foster care or institution when adoption is appropriate and families for them can be found. It is, therefore, the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit by adoption, particularly children with special needs, *including infants at risk with life-threatening congenital impairments*, by—

- (1) promoting the establishment of model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and
- (2) providing a mechanism for the Department of Health, Education, and Welfare and Human Services to (A) promote quality standards for adoption services (including pre-place-

ment, post-placement, and post-adoption counseling and standards to protect the rights of children in need of adoption), and (B) provide for a national adoption and foster care information data gathering and analysis system and a national adoption information exchange system to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children.

#### MODEL ADOPTION LEGISLATION AND PROCEDURES

SEC. 202. (a) Not later than eighteen months after the date of enactment of this Act, the Secretary of Health, Education [ , and Welfare] and Human Services (hereinafter referred to as the "Secretary") shall issue, based on the recommendations of the panel described in subsection (b) of this section, proposed model adoption legislation and procedures and publish such proposal in the Federal Register for comment. After soliciting and giving due consideration to the comments of interested individuals, groups, and organizations and consulting further with such panel, the Secretary shall issue and publish model adoption legislation and procedures which shall not conflict with the provisions of any interstate compact in operation pursuant to which States are making, supervising, or regulating placements of children.

(b) (1) Not later than ninety days after the date of enactment of this Act, the Secretary shall appoint a panel (hereinafter referred to as the "panel") to be composed of not less than eleven nor more than seventeen members generally representative of public and voluntary organizations, agencies, and persons interested and with expertise and experience in facilitating the achievement of the purposes of this title (including, but not limited to, national, State, and local child welfare organizations, including those representative of minorities, and adoptive parent organizations). The panel shall (A) review current conditions, practices, and laws relating to adoption, with special reference to their effect on facilitating or impeding the location of suitable adoptive homes for children who would benefit by adoption and the completion of suitable adoptions for such children; and (B) not later than twelve months after the date on which the members of the panel have been appointed, propose to the Secretary model (including adoption assistance agreement) legislation and procedures relating to adoption designed to facilitate adoption by families of all economic levels.

(2) The panel shall be terminated thirty days after the Secretary publishes the final model legislation and procedures pursuant to subsection (a) of this section.

(3) Members of the panel, other than those regularly employed by the Federal Government, while serving on business of the panel shall be entitled to receive compensation at a rate not in excess of the daily equivalent of the rate payable to a GS-18 employee under section 5322 of title 5, United States Code, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently.

(c) The Secretary shall take such steps as he or she deems necessary to encourage and facilitate the enactment in each State of comprehensive adoption assistance legislation and the establishment in each State of the model legislation and procedures published pursuant to subsection (a) of this section.

*(d) The Secretary shall review all model adoption legislation and procedures developed or promulgated under the terms of this section for the purpose of making such changes as are considered appropriate to facilitate adoption opportunities for infants at risk with life-threatening congenital impairments*

#### INFORMATION AND SERVICES

SEC. 203. (a) The Secretary shall establish in the Department of Health, Education and Welfare and Human Services an appropriate administrative arrangement to provide a centralized focus for planning and coordinating of all departmental activities affecting adoption and foster care and for carrying out the provisions of this title. The Secretary shall make available such consultant services and personnel, together with appropriate administrative expenses, as are necessary for carrying out such purposes.

(b) In connection with carrying out the provisions of subsection (a) of this section, the Secretary shall—

(1) provide (directly or by grant to or contract with public or private nonprofit agencies and organizations) for the establishment and operation of a national adoption and foster care data gathering and analysis system utilizing data collected by States pursuant to requirements of law;

(2) conduct (directly or by grant to or contract with public or private nonprofit agencies or organizations) an education and training program on adoption, and prepare, publish, and disseminate (directly or by grant to or contract with public or private nonprofit agencies and organizations) to all interested parties, public and private agencies and organizations (including, but not limited to, hospitals, health care and family planning clinics, and social services agencies), and governmental bodies, information and education and training materials regarding adoption and adoption assistance programs;

(3) notwithstanding any other provision of law, provide (directly or by grant to or contract with public or private nonprofit agencies or organizations) for (A) the operation of a national adoption information exchange system (including only such information as is necessary to facilitate the adoptive placement of children, utilizing computers and data processing methods to assist in the location of children who would benefit by adoption and in the placement in adoptive homes of children awaiting adoption); and (B) the coordination of such system with similar State and regional systems;

(4) provide (directly or by grant to or contract with public or private nonprofit agencies or organizations, including parent groups) for the provision of technical assistance in the planning, improving, developing, and carrying out of programs and activities relating to adoption; and

(5) consult with other appropriate Federal departments and agencies in order to promote maximum coordination of the services and benefits provided under programs carried out by such departments and agencies with those carried out by the Secretary, and provide for the coordination of such aspects of all programs within the Department of Health[, Education, and Welfare] *and Human Services* relating to adoption.

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AUTHORIZATION OF APPROPRIATIONS

SEC. 205. There are authorized to be appropriated [ \$5,000,000 for the fiscal year ending September 30, 1978, and such sums as may be necessary for the succeeding three fiscal years ] *\$2,000,000 for fiscal year 1984, \$2,100,000 for fiscal year 1985, \$2,205,000 for fiscal year 1986, and \$2,315,000 for fiscal year 1987* to carry out this title.

## ADDITIONAL VIEWS OF HON. STEVE BARTLETT

### H.R. 1904—THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT AMENDMENTS OF 1983

I strongly support the intent of the Child Abuse Prevention and Treatment and Adoption Reform Act. The amendments offered to the Act as part of the reauthorization process reinforce the focus reflected in the original statute—a Federal commitment to provide seed money to States, to support research and demonstration projects, and to retain an equal emphasis on treatment and prevention of child abuse and neglect.

The authorization ceiling, in H.R. 1904, until the Full Committee Mark-Up, represented bi-partisan consensus. In Full Committee, an amendment was passed which increased the authorization ceilings for child abuse prevention and treatment by about 39 percent. I am as concerned about the incidence of child abuse as are my colleagues; however, I am not convinced that significant increases in Federal funds will provide us with the most effective solution to this serious social problem. The key, I believe, is promoting effective links among State and local groups, and continuing research and demonstration efforts.

In spite of my reservation concerning the authorization of appropriation levels in H.R. 1904, I support this reauthorization and urge my colleagues to do the same.

STEVE BARTLETT.