



CAPTA Reauthorization Act of 2021

Section-by-Section of the Manager’s Amendment

Section 1. Short Title

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Section 2. Table of Contents; Findings

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Section 3. Definitions

- New definitions for “fatality” and “individuals with personal experience in the child welfare system”.
- Minor technical corrections for typographical errors and grammar.

TITLE I—General Program

Section 101. Interagency Work Group on Child Abuse and Neglect

- Expands the Work Group’s charge to examine programs and activities that strengthen families and support child and family well-being.
- Requires consultation with experts in child protective services and individuals with personal experience in the child welfare system.

Section 102. National Clearinghouse Information Related to Child Abuse

- Updates to include information regarding supports for Indian Tribes, child care and early learning, and substance use disorder.
- Requires NCANDS integration with the case registry authorized under section 303.

Section 103. Research and Assistance Activities

- Increases Secretarial flexibility regarding agency coordination.
- Additional emphasis on developmentally appropriate treatment, mental health needs, Indian Tribes, and addressing domestic violence.
- New research topic on collaboration between the child protective services system and substance use disorder treatment service providers.
- Improves technical assistance to support trauma-informed approaches to prevent, reduce, and treat child abuse and neglect.
- Improves evaluation regarding approaches to minimize racial bias and disparities in the child protective services system.

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

- Expands the uses of funds in the Capacity-Building grant program to improve training to prevent child sexual abuse, and meet the needs of children under the age of three and infants and toddlers affected by substance use disorder, including alcohol use disorder.
- New application requirement for the Field-Initiative Innovation grant program to engage with individuals with personal experience in the child welfare system.
- Expands the Field-Initiative Innovation grant program uses of funds to include children's advocacy centers, families with complex needs, Indian Tribes, website and mobile application helplines, and child sex abuse prevention programs for children and youth.

Section 105. National Child Abuse Hotline

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

- Improves the CAPTA State grant program's uses of funds regarding high-risk response, data sharing between public agencies and health care entities, website or mobile application helplines, families with complex needs, interagency collaboration to support infants affected by substance use disorder, and provisions to meet the needs of infants and toddlers with disabilities.
- Requires States to develop their CAPTA State plan in consultation with stakeholders, including individuals with personal experience in the child welfare system.
- Updates the State plan descriptions to address collaboration with mental health agencies and the implementation of a high-risk response system.
- Clarifies that in the State's plan to ensure all child victims of abuse or neglect involved in a judicial proceeding receive a guardian at litem and an attorney at litem, the guardian at litem may be an attorney or a court appointed special advocate and that the timeline for the plan is determined by the State.
- Aligns these provisions with the age limit elected by the State pursuant to section 475(8)(B)(iii) of the Social Security Act (42 U.S.C.).
- Updates the State plan assurances to require States to engage with individuals with personal experience in the child welfare system when developing their State plans and to require States to have procedures in place to refer children under the age of 3 involved in substantiated cases of child abuse or neglect to early intervention services under IDEA Part C.
- Requires HHS to provide guidance and technical assistance to maximize State reporting of data elements required under NCANDS.
- Increases flexibility for the Secretary to waive NCANDS data elements if the Secretary determines reporting such reporting is not feasible or insufficient to yield statistically reliable information.

- Requires State reporting on child fatality and near-fatality cases regarding whether substance use disorder or domestic violence were present and whether services were provided to address those needs.

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

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Section 108. Miscellaneous Requirements Relating to Assistance

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Section 109. Reports

- Expands the State mandatory reporting laws report to look at the the type, duration, and evidence basis of training provided to mandated reporters supported by this Act.
- Adds a report on the effectiveness of citizen review panels required under Section 106.

Section 110. Monitoring and Oversight

- Requires the Secretary to biannually submit a report to Congress summarizing the results of monitoring under this section.

Section 111. Authorization of Appropriations

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

- Removes references to “primary” prevention to not limit funds from being used for primary and secondary prevention purposes.

Section 201. Purpose

- Includes families experiencing substance use disorders, families with parents who have experienced violence or trauma, and families with individuals with personal experience in the child welfare system as examples of diverse populations.

Section 202. Authorization of Grants

- Updates substance use disorder language.
- Includes families experiencing substance use disorders, families with parents who have experienced violence or trauma, and families with individuals with personal experience in the child welfare system as examples of diverse populations.

Section 203. Lead Entity

- Updates the definition of ‘lead entity’ to include partnering with individuals with personal experience in the child welfare system.

- Includes families experiencing substance use disorders, families with parents who have experienced violence or trauma, and families with individuals with personal experience in the child welfare system as examples of diverse populations.

Section 204. Application

- Requires lead entities to submit new applications once every three years, rather than annually.
- Allows States to use in-kind contributions to meet the matching requirements.
- Requires States in their applications to submit a description regarding how the State will ensure meaningful involvement of individuals with personal experience in the child welfare system.
- Includes families experiencing substance use disorders, families with parents who have experienced violence or trauma, and families with individuals with personal experience in the child welfare system as examples of diverse populations.

Section 205. Uses of Funds

- Expands uses of funds to include referrals to health care (including mental health and substance use disorder services) and adoption services for individuals interested in adopting a child.
- Encourages using funds to support leadership roles for the meaningful involvement of individuals with personal experience in the child welfare system.

Section 206. Performance Measures

- Requires performance measures related to the meaningful involvement of individuals with personal experience in the child welfare system.

Section 207. National Technical Assistance for Community-Based Family Strengthening Services Programs

- Clarifies funds may be used to support lead entities, directly or through grants or contracts, to operate a national resource center and provide training.

Section 208. Rule of Construction

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Section 209. Authorization of Appropriations

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

Section 301. Purpose

- Updates purpose to explicitly include Indian Tribes.

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

- Expands the time period the Secretary has to convene the work group from 90 days to 120 days.
- Expands the Work Group's duties to include:
 - overseeing the development of uniform public health data standards that are designed to promote consistent terminology and data collection related to child fatalities and near fatalities due to child abuse and neglect;
 - overseeing the development of the case registry;
 - examining all Federal data collections related to child fatalities and near fatalities due to child abuse and neglect and make recommendations to improve the accuracy, uniformity, and comparability of such data; ensure that such data collections are informative and can be effectively utilized by local, State, Federal policymakers, and the public to make data-driven decisions to prevent such fatalities and near fatalities; and recommendations on roles of existing data systems, and how such data systems or next-generation data systems can be more effective; and
 - improving State and Tribal responses to child fatalities and near-fatalities due to child abuse and neglect among Indian (including Alaska Native) and Native Hawaiian children in a manner that includes consultation and coordination with Indian Tribes, Tribal organizations, and Native Hawaiian organizations.

Section 304. Case Registry for Child Fatalities and Near-Fatalities Due to Child Abuse and Neglect

- Requires the Secretary to operate and expand a Child Abuse and Neglect Fatality and Near-Fatality Case Registry designed to support public health surveillance of child fatalities and near-fatalities, which may be integrated into data systems supported by the Health Resources and Services Administration or Centers for Disease Control and Prevention, as appropriate.
- Requires the Secretary to develop uniform public health data standards that are designed to promote consistent data collection related to child fatalities and near-fatalities due to child abuse and neglect. Such standards are required to be designed for public health purposes and not rely solely on criminal or civil definitions of child abuse and neglect.
- Requires the Secretary to provide technical assistance, training, and resources to encourage the adoption and implementation of the public health standards.

Section 304. Grants for State Child Death Review of Child Abuse and Neglect Fatalities and Near Fatalities

- Authorizes the Secretary to award grants or cooperative agreements to States, Indian Tribes, and Tribal organizations to:
 - support child death review programs, including at the local level, in the review of all incidents of child fatalities and near fatalities due to child abuse or neglect, including incidents in which the child was known by, or referred to, the child protective services system;

- improve data collection and reporting related to child fatalities and near fatalities due to child abuse and neglect, including intrastate and interstate data comparability;
- support voluntary reporting to the Child Abuse and Neglect Fatality and Near-Fatality Case Registry; and
- develop coordinated leadership and shared responsibility across State and local public agencies that support children and families to implement data-driven strategies and reforms in order to prevent child fatalities and near fatalities due to child abuse and neglect from occurring in the future.
- Authorizes the Secretary to reserve funds for capacity building grants to support States, Indian Tribes, and Tribal Organizations increase their capacity to conduct review of near fatalities due to child abuse and neglect.
- Expands application requirements to include:
 - The State, Indian Tribe, or Tribal organization’s fatality review plan to ensure that—
 - the child death review program will, for the purposes of identifying fatalities and near-fatalities due to child abuse and neglect and preventing such incidents in the future, conduct comprehensive and multidisciplinary reviews of all cases of child fatalities and near-fatalities within the State, Indian Tribe, and Tribal organization within a reasonable timeframe; and
 - the State, Indian Tribe, or Tribal organization will submit information to the Child Abuse and Neglect Fatality and Near-Fatality Case Registry.
 - A description of the State, Indian Tribe, and Tribal organization’s child death review program, and how such entity will, within a timeframe established by the Secretary, develop consistent procedures to conduct child death reviews.
 - A description of how the State, Indian Tribe, or Tribal organization’s child death review program will improve and standardize the identification of near-fatalities due to child abuse and neglect.
 - An assurance that the State, Indian Tribe, and Tribal organization will develop a fatality and near-fatality prevention plan (in alignment with the requirements of section 422(b)(19)(B) of the Social Security Act) that is designed to implement data-driven strategies and reforms across the State, Indian Tribe, and Tribal organization in order to prevent child fatalities and near-fatalities due to child abuse and neglect from occurring in the future.
 - A description of how the State, Indian Tribe, and Tribal organization will coordinate the leadership of the State, Indian Tribe, or Tribal organization’s public agencies that support children and families to develop shared responsibility to protect children at the highest risk of child fatalities and near-fatalities due to child abuse and neglect and implement changes in State, Indian Tribe, and Tribal organization policies and practices responsive to the findings of the analysis supported under this program.
- Updates uses of funds to include:
 - Implementing the State, Indian Tribe, or Tribal organization’s fatality review plan, including developing consistent procedures across the State.

- Supporting coordination between the State, Indian Tribe, or Tribal organization’s child death review program and the State, Indian Tribe, or Tribal organization’s child protective services agency.
- Developing the State, Indian Tribe, or Tribal organization’s fatality and near-fatality prevention plan.
- Permissive uses of funds including conducting research identifying protective factors, and developing, implementing, or scaling real-time electronic data sharing.
- Expands reporting requirements to include:
 - A description of how grant funds were spent.
 - A description of the State, Indian Tribe, or Tribal organization’s progress in complying with requirements under this section.
 - A description of how the State, Indian Tribe, and Tribal organization coordinated the leadership of the public agencies that support children and families to develop shared responsibility to protect children at the highest risk of child fatalities and near-fatalities due to child abuse and neglect, including changes in policies and practices implemented in response to activities supported under this section.

Section 305. Assisting State, Indian Tribe, and Tribal organization Implementation

- Requires the Secretary to reserve not more than 15 percent to provide guidance and technical assistance to support States, Indian Tribes, and Tribal organizations in complying with this Title.

Section 306. Authorization of Appropriations

- Authorizes to be appropriated to carry out Title III \$25,000,000 for fiscal year 2022 and such sums as may be necessary for each of the fiscal years 2023 through 2027.

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

Section 401. Purpose

- Updates purpose to highlight the impact of substance use on infants, mothers, and families.

Section 402. Requirements

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

Section 403. National Technical Assistance and Reporting

- Requires the Secretary to provide technical assistance to support States in making progress in safely reducing the number of infants affected by substance use disorder, including alcohol use disorder, entering the child protective services system.

Section 404. Grant Program Authorized

- Updates grant program for the purpose of assisting the Governor’s designated lead agency in coordinating a partnership with maternal and child health agencies, child welfare agencies, public health agencies, mental health agencies, social services agencies, substance abuse agencies, health care facilities with labor and delivery units, and health care providers to facilitate collaboration in developing, updating, implementing, and monitoring family care plans.
- Requires lead entity to discuss coordination with domestic violence agencies in the application.
- Expands uses of funds to improve assessments of family members, support partnerships with domestic violence agencies, increase access to residential treatment programs designed to keep infants with their parents during inpatient residential treatment, and training on the evidence-based clinical guidance from nationally-recognized standard setting organizations about treating substance use disorder in pregnant and postpartum women.
- Expands evaluation requirements to include the examination of the safe reduction of the number of infants who are placed in out-of-home care.

TITLE V—Adoption Opportunities

Section 501. Purposes

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Section 502. Definitions

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Section 503. Information and Services

- Authorizes grant funding to support adoption competency training that supports the mental health needs of adoptive families to promote permanency, including the evaluation and updating of adoption competency training curricula for child welfare and mental health professionals.

Section 504. Studies and Reports

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Section 505. Sense of Congress, Technical Assistance, and Report on Unregulated Custody Transfers

- Adds a definition of ‘unregulated custody transfer’ for this section.
- Clarifies the Secretary shall provide information to prospective adoptive families on pre-adoption training.

Section 506. Authorization of Appropriations

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