

110TH CONGRESS
2D SESSION

H. R. 5876

To require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2008

Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. HARE, Mr. HINOJOSA, Mr. SCOTT of Virginia, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. KILDEE, Ms. WOOLSEY, and Mr. KUCINICH) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Child Abuse in
5 Residential Programs for Teens Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ASSISTANT SECRETARY.—The term “Assist-
2 ant Secretary” means the Assistant Secretary for
3 Children and Families of the Department of Health
4 and Human Services.

5 (2) CHILD.—The term “child” means an indi-
6 vidual who has not attained the age of 18.

7 (3) CHILD ABUSE AND NEGLECT.—The term
8 “child abuse and neglect” has the meaning given
9 such term in section 111 of the Child Abuse Preven-
10 tion and Treatment Act (42 U.S.C. 5106g).

11 (4) COVERED PROGRAM.—

12 (A) IN GENERAL.—The term “covered pro-
13 gram” means each location of a program not
14 operated by a governmental entity that, with re-
15 spect to one or more children who are unrelated
16 to the owner or operator of the program—

17 (i) provides a 24-hour residential envi-
18 ronment that provides specialized edu-
19 cation or treatment, therapy, counseling,
20 behavior modification, discipline, rehabili-
21 tation, emotional growth services, or re-
22 lated services, such as—

23 (I) a program with a wilderness
24 or outdoor experience, expedition, or
25 intervention;

1 (II) a boot camp experience or
2 other experience designed to simulate
3 characteristics of basic military train-
4 ing or correctional regimes;

5 (III) a therapeutic boarding
6 school; or

7 (IV) a behavioral modification
8 program; and

9 (ii) operates with a focus on serving
10 children with—

11 (I) emotional, behavioral, or men-
12 tal health problems or disorders; or

13 (II) problems with alcohol or sub-
14 stance abuse.

15 (B) EXCLUSION.—The term “covered pro-
16 gram” does not include—

17 (i) a hospital accredited by the State;

18 (ii) a facility that is licensed and reg-
19 ulated by the State as a group home for
20 children in foster care; or

21 (iii) a psychiatric residential treat-
22 ment facility that is certified as meeting
23 the requirements specified in regulations
24 promulgated for such facilities under sec-
25 tion 1905(h)(1)(A) of the Social Security

1 Act and that provides psychiatric services
2 for which medical assistance is available
3 under a State plan under title XIX of such
4 Act.

5 (5) PROTECTION AND ADVOCACY SYSTEM.—The
6 term “protection and advocacy system” means a
7 protection and advocacy system established under
8 section 143 of the Developmental Disabilities Assist-
9 ance and Bill of Rights Act of 2000 (42 U.S.C.
10 15043).

11 (6) STATE.—The term “State” has the mean-
12 ing given such term in section 111 of the Child
13 Abuse Prevention and Treatment Act.

14 **SEC. 3. STANDARDS AND ENFORCEMENT.**

15 (a) MINIMUM STANDARDS.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the As-
18 sistant Secretary for Children and Families of the
19 Department of Health and Human Services shall re-
20 quire each location of a covered program that indi-
21 vidually or together with other locations has an ef-
22 fect on interstate commerce, in order to provide for
23 the basic health and safety of children at such a pro-
24 gram, to meet the following minimum standards:

1 (A) Child abuse and neglect shall be pro-
2 hibited.

3 (B) Disciplinary techniques or other prac-
4 tices that involve the withholding of essential
5 food, water, clothing, shelter, or medical care
6 necessary to maintain physical health, mental
7 health, and general safety, shall be prohibited.

8 (C) The protection and promotion of the
9 right of each child at such a program to be free
10 from physical and mechanical restraints and se-
11 clusion (as such terms are defined in section
12 595 of the Public Health Service Act (42
13 U.S.C. 290jj)) to the same extent and in the
14 same manner as a non-medical, community-
15 based facility for children and youth is required
16 to protect and promote the right of its residents
17 to be free from such restraints and seclusion
18 under such section 595, including the prohibi-
19 tions and limitations described in subsection
20 (b)(3) of such section.

21 (D) Acts of physical or mental abuse de-
22 signed to humiliate, degrade, or undermine a
23 child's self-respect shall be prohibited.

24 (E) Each child at such a program shall
25 have reasonable access to a telephone, and be

1 informed of their right to such access, for mak-
2 ing and receiving phone calls with as much pri-
3 vacy as possible, and shall have access to the
4 appropriate State or local child abuse reporting
5 hotline number, and the national hotline num-
6 ber referred to in subsection (c)(2).

7 (F) Each staff member, including volun-
8 teers, at such a program shall be required, as
9 a condition of employment, to become familiar
10 with what constitutes child abuse and neglect,
11 as defined by State law.

12 (G) Each staff member, including volun-
13 teers, at such a program shall be required, as
14 a condition of employment, to become familiar
15 with the requirements, including with State law
16 relating to mandated reporters, and procedures
17 for reporting child abuse and neglect in the
18 State in which such a program is located.

19 (H) Full disclosure, in writing, of staff
20 qualifications and their roles and responsibil-
21 ities at such program, including medical, emer-
22 gency response, and mental health training, to
23 parents of children at such a program, includ-
24 ing providing information on any staff changes,
25 including changes to any staff member's quali-

1 fications, roles, or responsibilities, not later
2 than 10 days after such changes occur.

3 (I) Each staff member at a covered pro-
4 gram described in subclause (I) or (II) of sec-
5 tion 2(4)(A)(i) shall be required, as a condition
6 of employment, to be familiar with the signs,
7 symptoms, and appropriate responses associated
8 with heatstroke, dehydration, and hypothermia.

9 (J) Each staff member, including volun-
10 teers, shall be required, as a condition of em-
11 ployment, to submit to a criminal history check,
12 including a name-based search of the National
13 Sex Offender Registry established pursuant to
14 the Adam Walsh Child Protection and Safety
15 Act of 2006 (Public Law 109–248; 42 U.S.C.
16 16901 et seq.), a search of the State criminal
17 registry or repository in the State in which the
18 covered program is operating, and a Federal
19 Bureau of Investigation fingerprint check. An
20 individual shall be ineligible to serve in a posi-
21 tion with any contact with children at a covered
22 program if any such record check reveals a fel-
23 ony conviction for child abuse or neglect, spous-
24 al abuse, a crime against children (including
25 child pornography), or a crime involving vio-

1 lence, including rape, sexual assault, or homi-
2 cide, but not including other physical assault or
3 battery.

4 (K) Policies and procedures for the provi-
5 sion of emergency medical care, including poli-
6 cies for staff protocols for implementing emer-
7 gency responses.

8 (L) All promotional and informational ma-
9 terials produced by such a program shall in-
10 clude a hyperlink to or the URL address of the
11 website created by the Assistant Secretary pur-
12 suant to subsection (c)(1)(A).

13 (M) Policies to require parents of a child
14 attending such a program—

15 (i) to notify, in writing, such program
16 of any medication the child is taking;

17 (ii) to be notified within 24 hours of
18 any changes to the child’s medical treat-
19 ment and the reason for such change; and

20 (iii) to be notified within 24 hours of
21 any missed dosage of prescribed medica-
22 tion.

23 (N) Procedures for notifying parents with
24 children at such a program of any—

1 (i) on-site investigation of a report of
2 child abuse and neglect;

3 (ii) violation of the health and safety
4 standards described in this paragraph; and

5 (iii) violation of State licensing stand-
6 ards developed pursuant to section
7 114(b)(1) of the Child Abuse Prevention
8 and Treatment Act, as added by section 8
9 of this Act.

10 (O) Other standards the Assistant Sec-
11 retary determines appropriate to provide for the
12 basic health and safety of children at such a
13 program.

14 (2) REGULATIONS.—

15 (A) INTERIM REGULATIONS.—Not later
16 than 180 days after the date of the enactment
17 of this Act, the Assistant Secretary shall pro-
18 mulgate and enforce interim regulations to
19 carry out paragraph (1).

20 (B) PUBLIC COMMENT.—The Assistant
21 Secretary shall, for a 90-day period beginning
22 on the date of the promulgation of interim reg-
23 ulations under subparagraph (A) of this para-
24 graph, solicit and accept public comment con-

1 cerning such regulations. Such public comment
2 shall be submitted in written form.

3 (C) FINAL REGULATIONS.—Not later than
4 90 days after the conclusion of the 90-day pe-
5 riod referred to in subparagraph (B) of this
6 paragraph, the Assistant Secretary shall pro-
7 mulgate and enforce final regulations to carry
8 out paragraph (1).

9 (b) MONITORING AND ENFORCEMENT.—

10 (1) INSPECTIONS.—The Assistant Secretary
11 shall establish a process for conducting unannounced
12 site inspections of each location of a covered pro-
13 gram to determine compliance with the standards re-
14 quired under subsection (a)(1). Such inspections
15 shall—

16 (A) begin not later than the date on which
17 the Assistant Secretary promulgates interim
18 regulations under subsection (a)(2)(A); and

19 (B) be conducted at each location of each
20 covered program not less often than once every
21 two years, until such time as the Assistant Sec-
22 retary has determined a State has appropriate
23 health and safety licensing requirements, moni-
24 toring, and enforcement of covered programs in
25 such State, as determined in accordance with

1 section 114(c) of the Child Abuse Prevention
2 and Treatment Act, as added by section 8 of
3 this Act.

4 (2) ON-GOING REVIEW PROCESS.—Not later
5 than 180 days after the date of the enactment of
6 this Act, the Assistant Secretary shall implement an
7 on-going review process for investigating and evalu-
8 ating reports of child abuse and neglect at covered
9 programs received by the Assistant Secretary from
10 the appropriate State, in accordance with section
11 114(b)(3) of the Child Abuse Prevention and Treat-
12 ment Act, as added by section 8 of this Act. Such
13 review process shall—

14 (A) include an investigation to determine if
15 a violation of the standards required under sub-
16 section (a)(1) has occurred;

17 (B) include an assessment of the State’s
18 performance with respect to appropriateness of
19 response to and investigation of reports of child
20 abuse and neglect at covered programs and ap-
21 propriateness of legal action against responsible
22 parties in such cases;

23 (C) be completed not later than 60 days
24 after receipt by the Assistant Secretary of such
25 a report;

1 (D) not interfere with the State's, or sub-
2 division thereof's, timeline for investigation; and

3 (E) be implemented in each State in which
4 a covered program operates until such time as
5 each such State has satisfied the requirements
6 under section 114(c) of the Child Abuse Pre-
7 vention and Treatment Act, as added by section
8 8 of this Act, as determined by the Assistant
9 Secretary, or two years has elapsed from the
10 date that such review process is implemented,
11 whichever is later.

12 (3) CIVIL PENALTIES.—Not later than 180
13 days after the date of the enactment of this Act, the
14 Assistant Secretary shall promulgate regulations es-
15 tablishing civil penalties for violations of the stand-
16 ards required under subsection (a)(1). The regula-
17 tions establishing such penalties shall incorporate
18 the following:

19 (A) Any owner or operator of a covered
20 program at which the Assistant Secretary has
21 found a violation of the standards required
22 under subsection (a)(1) may be assessed a civil
23 penalty not to exceed \$50,000 per violation.

1 (B) All penalties collected under this sub-
2 section shall be deposited in the appropriate ac-
3 count of the Treasury of the United States.

4 (c) DISSEMINATION OF INFORMATION.—The Assist-
5 ant Secretary shall establish, maintain, and disseminate
6 information about the following:

7 (1) Websites made available to the public that
8 contains, at a minimum, the following:

9 (A) The name and each location of each
10 covered program, and the name of each owner
11 and operator of each such program, operating
12 in each State, and information regarding—

13 (i) each such program’s level of com-
14 pliance with the standards required under
15 subsection (a)(1) and section 114(b)(1) of
16 the Child Abuse Prevention and Treatment
17 Act, as added by section 8 of this Act;

18 (ii) each such program’s level of
19 standing with the State licensing require-
20 ments under section 114(b)(1) of the Child
21 Abuse Prevention and Treatment Act, as
22 added by section 8 of this Act;

23 (iii) substantiated reports of child
24 abuse and neglect at each such program;

1 (iv) any deaths that occurred to a
2 child while under the care of such a pro-
3 gram, including any such deaths that oc-
4 curred in the five year period immediately
5 preceding the date of the enactment of this
6 Act;

7 (v) owners or operators of a covered
8 program that was found to be in violation
9 of the standards required under subsection
10 (a)(1), or a violation of the licensing stand-
11 ards developed pursuant to section
12 114(b)(1) of the Child Abuse Prevention
13 and Treatment Act, as added by section 8
14 of this Act, and who subsequently own or
15 operate another covered program; and

16 (vi) any penalties levied under sub-
17 section (b)(3), any judgments or orders
18 issued by a court pursuant to section 5,
19 and any other penalties levied by the State,
20 against each such program.

21 (B) Information on best practices for help-
22 ing adolescents with mental health disorders,
23 conditions, behavioral challenges, or alcohol or
24 substance abuse, including information to help

1 families access effective resources in their com-
2 munities.

3 (2) A national toll-free telephone hotline to re-
4 ceive complaints of child abuse and neglect at cov-
5 ered programs and violations of the standards re-
6 quired under subsection (a)(1).

7 (d) ACTION.—The Assistant Secretary shall establish
8 a process to—

9 (1) ensure complaints of child abuse and ne-
10 glect received by the hotline established pursuant to
11 subsection (c)(2) are promptly reviewed by persons
12 with expertise in evaluating such types of com-
13 plaints;

14 (2) immediately notify the State, appropriate
15 local law enforcement, and the appropriate protec-
16 tion and advocacy system of any credible complaint
17 of child abuse and neglect at a covered program re-
18 ceived by the hotline;

19 (3) investigate any such credible complaint not
20 later than 30 days after receiving such complaint to
21 determine if a violation of the standards required
22 under subsection (a)(1) has occurred; and

23 (4) ensure the collaboration and cooperation of
24 the hotline established pursuant to subsection (c)(2)
25 with other appropriate National, State, and regional

1 hotlines, and, as appropriate and practicable, with
2 other hotlines that might receive calls about child
3 abuse and neglect at covered programs.

4 **SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.**

5 If the Assistant Secretary determines that a violation
6 of subsection (a)(1) of section 3 has not been remedied
7 through the enforcement process described in subsection
8 (b)(3) of such section, the Assistant Secretary shall refer
9 such violation to the Attorney General for appropriate ac-
10 tion. Regardless of whether such a referral has been made,
11 the Attorney General may, *sua sponte*, file a complaint in
12 any court of competent jurisdiction seeking equitable relief
13 or any other relief authorized by this Act for such viola-
14 tion.

15 **SEC. 5. PRIVATE RIGHT OF ACTION.**

16 (a) MAINTENANCE OF ACTION.—Any person may
17 bring suit for relief of harm caused by a violation of sec-
18 tion 3(a) in any district court of the United States having
19 jurisdiction over the parties, without regard to the amount
20 in controversy or citizenship of the parties.

21 (b) RELIEF.—The district court may award appro-
22 priate equitable relief and damages, and may award puni-
23 tive damages and costs, including reasonable attorneys'
24 fees.

1 (c) LIMITATION.—The provisions of section 7 of the
2 Civil Rights of Institutionalized Persons Act (42 U.S.C.
3 1997e) shall not apply to any action brought under this
4 Act.

5 **SEC. 6. REPORT.**

6 Not later than one year after the date of the enact-
7 ment of this Act and annually thereafter, the Secretary
8 of Health and Human Services, in coordination with the
9 Attorney General shall submit to the Committee on Edu-
10 cation and Labor of the House of Representatives and the
11 Committee on Health, Education, Labor, and Pensions of
12 the Senate, a report on the activities carried out by the
13 Assistant Secretary and the Attorney General under this
14 Act, including—

15 (1) a description of the number and types of
16 covered programs inspected by the Assistant Sec-
17 retary pursuant to section 3(b)(1);

18 (2) a description of types of violations of health
19 and safety standards found by the Assistant Sec-
20 retary and any penalties assessed;

21 (3) a summary of findings from on-going re-
22 views conducted by the Assistant Secretary pursuant
23 section 3(b)(2);

24 (4) a summary of State progress in meeting the
25 requirements of this Act, including the requirements

1 under section 114 of the Child Abuse Prevention
2 and Treatment Act, as added by section 8 of this
3 Act; and

4 (5) a summary of the Secretary's oversight ac-
5 tivities and findings conducted pursuant to sub-
6 section (d) of such section 114.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to the Sec-
9 retary of Health and Human Services \$50,000,000 for
10 each of fiscal years 2009 through 2013 to carry out this
11 Act (excluding the amendment made by section 8 of this
12 Act).

13 **SEC. 8. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**
14 **GRANTS TO STATES TO PREVENT CHILD**
15 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**
16 **GRAMS.**

17 (a) IN GENERAL.—Title I of the Child Abuse Preven-
18 tion and Treatment Act (42 U.S.C. 5101 et seq.) is
19 amended by adding at the end the following new section:

20 **“SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**
21 **GRANTS TO STATES TO PREVENT CHILD**
22 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**
23 **GRAMS.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) CHILD.—The term ‘child’ means an indi-
2 vidual who has not attained the age of 18.

3 “(2) COVERED PROGRAM.—

4 “(A) IN GENERAL.—The term ‘covered
5 program’ means each location of a program not
6 operated by a governmental entity that, with re-
7 spect to one or more children who are unrelated
8 to the owner or operator of the program—

9 “(i) provides a 24-hour residential en-
10 vironment that provides specialized edu-
11 cation or treatment, therapy, counseling,
12 behavior modification, discipline, rehabili-
13 tation, emotional growth services, or re-
14 lated services, such as—

15 “(I) a program with a wilderness
16 or outdoor experience, expedition, or
17 intervention;

18 “(II) a boot camp experience or
19 other experience designed to simulate
20 characteristics of basic military train-
21 ing or correctional regimes;

22 “(III) a therapeutic boarding
23 school; or

24 “(IV) a behavioral modification
25 program; and

1 “(ii) operates with a focus on serving
2 children with—

3 “(I) emotional, behavioral, or
4 mental health problems or disorders;
5 or

6 “(II) problems with alcohol or
7 substance abuse.

8 “(B) EXCLUSION.—The term ‘covered pro-
9 gram’ does not include—

10 “(i) a hospital accredited by the State;

11 “(ii) a facility that is licensed and
12 regulated by the State as a group home for
13 children in foster care; or

14 “(iii) a psychiatric residential treat-
15 ment facility that is certified as meeting
16 the requirements specified in regulations
17 promulgated for such facilities under sec-
18 tion 1905(h)(1)(A) of the Social Security
19 Act and that provides psychiatric services
20 for which medical assistance is available
21 under a State plan under title XIX of such
22 Act.

23 “(3) PROTECTION AND ADVOCACY SYSTEM.—
24 The term ‘protection and advocacy system’ means a
25 protection and advocacy system established under

1 section 143 of the Developmental Disabilities Assist-
2 ance and Bill of Rights Act of 2000 (42 U.S.C.
3 15043).

4 “(b) ELIGIBILITY REQUIREMENTS.—To be eligible to
5 receive a grant under section 106, a State shall—

6 “(1) not later than three years after the date
7 of the enactment of this section, develop policies and
8 procedures to prevent child abuse and neglect at cov-
9 ered programs operating in such State, including
10 having in effect health and safety licensing require-
11 ments applicable to and necessary for the operation
12 of each location of such covered programs that in-
13 clude, at a minimum—

14 “(A) standards that meet or exceed the
15 standards required under section 3(a)(1) of the
16 Stop Child Abuse in Residential Programs for
17 Teens Act of 2008;

18 “(B) the provision of essential food, water,
19 clothing, shelter, and medical care necessary to
20 maintain physical health, mental health, and
21 general safety of children at such programs;

22 “(C) policies for emergency medical care
23 preparedness and response, including minimum
24 staff training and qualifications for such re-
25 sponses; and

1 “(D) notification to appropriate staff at
2 covered programs if their position of employ-
3 ment meets the definition of mandated reporter,
4 as defined by the State;

5 “(2) develop policies and procedures to monitor
6 and enforce compliance with the licensing require-
7 ments developed in accordance with paragraph (1),
8 including—

9 “(A) designating an agency to be respon-
10 sible, in collaboration and consultation with
11 State agencies providing human services (in-
12 cluding child protective services, and services to
13 children with emotional, psychological, develop-
14 mental, or behavioral dysfunctions, impair-
15 ments, disorders, or alcohol or substance
16 abuse), State law enforcement officials, the ap-
17 propriate protection and advocacy system, and
18 courts of competent jurisdiction, for monitoring
19 and enforcing such compliance;

20 “(B) a State licensing application process
21 through which any individual seeking to operate
22 a covered program would be required to disclose
23 all previous substantiated reports of child abuse
24 and neglect and all child deaths at any busi-

1 nesses previously or currently owned or oper-
2 ated by such individual;

3 “(C) conducting unannounced site inspec-
4 tions not less often than once every two years
5 at each location of a covered program;

6 “(D) creating a database, to be integrated
7 with the annual State data reports required
8 under section 106(d), of reports of child abuse
9 and neglect at covered programs operating in
10 the State; and

11 “(E) implementing a policy of graduated
12 sanctions, including fines and suspension and
13 revocation of licences, against covered programs
14 operating in the State that are out of compli-
15 ance with such health and safety licensing re-
16 quirements;

17 “(3) if the State is not yet satisfying the re-
18 quirements of this subsection, in accordance with a
19 determination made pursuant to subsection (c), de-
20 velop policies and procedures for notifying the Sec-
21 retary and the appropriate protection and advocacy
22 system of any report of child abuse and neglect at
23 a covered program operating in the State not later
24 than 30 days after the appropriate State entity, or
25 subdivision thereof, determines such report should

1 be investigated and not later than 48 hours in the
2 event of a fatality;

3 “(4) if the Secretary determines that the State
4 is satisfying the requirements of this subsection, in
5 accordance with a determination made pursuant to
6 subsection (c), develop policies and procedures for
7 notifying the Secretary if—

8 “(A) the State determines there is evidence
9 of a pattern of violations of the standards re-
10 quired under paragraph (1) at a covered pro-
11 gram operating in the State or by an owner or
12 operator of such a program; or

13 “(B) there is a child fatality at a covered
14 program operating in the State;

15 “(5) develop policies and procedures for estab-
16 lishing and maintaining a publicly available database
17 of all covered programs operating in the State, in-
18 cluding the name and each location of each such
19 program and the name of the owner and operator of
20 each such program, information on reports of child
21 abuse and neglect at such programs, violations of
22 standards required under paragraph (1), and all
23 penalties levied against such programs; and

24 “(6) annually submit to the Secretary a report
25 that includes—

1 “(A) the name and each location of all cov-
2 ered programs, including the names of the own-
3 ers and operators of such programs, operating
4 in the State, and any violations of State licens-
5 ing requirements developed pursuant to sub-
6 section (b)(1); and

7 “(B) a description of State activities to
8 monitor and enforce such State licensing re-
9 quirements, including the names of owners and
10 operators of each covered program that under-
11 went a site inspection by the State, and a sum-
12 mary of the results and any actions taken.

13 “(c) SECRETARIAL DETERMINATION.—The Secretary
14 shall not determine that a State’s licensing requirements,
15 monitoring, and enforcement of covered programs oper-
16 ating in the State satisfy the requirements of this sub-
17 section (b) unless—

18 “(1) the State implements licensing require-
19 ments for such covered programs that meet or ex-
20 ceed the standards required under subsection (b)(1);

21 “(2) the State designates an agency to be re-
22 sponsible for monitoring and enforcing compliance
23 with such licensing requirements;

1 “(3) the State conducts unannounced site in-
2 spections of each location of such covered programs
3 not less often than once every two years;

4 “(4) the State creates a database of such cov-
5 ered programs, to include information on reports of
6 child abuse and neglect at such programs;

7 “(5) the State implements a policy of graduated
8 sanctions, including fines and suspension and rev-
9 ocation of licenses against such covered programs
10 that are out of compliance with the health and safe-
11 ty licensing requirements under subsection (b)(1);
12 and

13 “(6) after a review of assessments conducted
14 under section 3(b)(2)(B) of the Stop Child Abuse in
15 Residential Programs for Teens Act of 2008, the
16 Secretary determines the State is appropriately in-
17 vestigating and responding to allegations of child
18 abuse and neglect at such covered programs.

19 “(d) OVERSIGHT.—

20 “(1) IN GENERAL.—Beginning two years after
21 the date of the enactment of the Stop Child Abuse
22 in Residential Programs for Teens Act of 2008, the
23 Secretary shall implement a process for continued
24 monitoring of each State that is determined to be
25 satisfying the licensing, monitoring, and enforcement

1 requirements of subsection (b), in accordance with a
2 determination made pursuant to subsection (c), with
3 respect to the performance of each such State re-
4 garding—

5 “(A) preventing child abuse and neglect at
6 covered programs operating in each such State;
7 and

8 “(B) enforcing the licensing standards de-
9 scribed in subsection (b)(1).

10 “(2) EVALUATIONS.—The process required
11 under paragraph (1) shall include in each State, at
12 a minimum—

13 “(A) an investigation not later than 60
14 days after receipt by the Secretary of a report
15 from a State, or a subdivision thereof, of child
16 abuse and neglect at a covered program oper-
17 ating in the State, and submission of findings
18 to appropriate law enforcement or other local
19 entity where necessary, if the report indicates—

20 “(i) a child fatality at such program;

21 or

22 “(ii) there is evidence of a pattern of
23 violations of the standards required under
24 subsection (b)(1) at such program or by an
25 owner or operator of such program;

1 “(B) annually, a random sample of review
2 of cases of reports of child abuse and neglect
3 investigated at covered programs operating in
4 the State to assess the State’s performance
5 with respect to the appropriateness of response
6 to and investigation of reports of child abuse
7 and neglect at covered programs and the appro-
8 priateness of legal actions taken against respon-
9 sible parties in such cases; and

10 “(C) unannounced site inspections of cov-
11 ered programs operating in the State to mon-
12 itor compliance with the standards required
13 under section 3(a) of the Stop Child Abuse in
14 Residential Programs for Teens Act of 2008.

15 “(3) ENFORCEMENT.—If the Secretary deter-
16 mines, pursuant to an evaluation under this sub-
17 section, that a State is not adequately implementing,
18 monitoring, and enforcing the licensing requirements
19 of subsection (b)(1), the Secretary shall require, for
20 a period of not less than one year, that—

21 “(A) the State shall inform the Secretary
22 of each instance there is a report to be inves-
23 tigated of child abuse and neglect at a covered
24 program operating in the State; and

1 “(B) the Secretary and the appropriate
2 local agency shall jointly investigate such re-
3 port.”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
5 112 of the Child Abuse Prevention and Treatment Act (42
6 U.S.C. 5106h) is amended by inserting before the period
7 at the end the following: “, and \$200,000,000 for each
8 of fiscal years 2009 through 2013”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) COORDINATION WITH AVAILABLE RE-
11 SOURCES.—Section 103(c)(1)(D) of the Child Abuse
12 Prevention and Treatment Act (42 U.S.C.
13 5104(e)(1)(D)) is amended by inserting after “spe-
14 cific” the following: “(including reports of child
15 abuse and neglect occurring at covered programs, as
16 such term is defined in section 114)”.

17 (2) FURTHER REQUIREMENT.—Section
18 106(b)(1) of the Child Abuse Prevention and Treat-
19 ment Act (42 U.S.C. 5106a(b)(1)) is amended by
20 adding at the end the following new subparagraph:

21 “(C) FURTHER REQUIREMENT.—To be eli-
22 gible to receive a grant under this section, a
23 State shall comply with the requirements under
24 section 114(b) and shall include in the State
25 plan submitted pursuant to subparagraph (A) a

1 description of the activities the State will carry
2 out to comply with the requirements under such
3 section 114(b).”.

4 (3) ANNUAL STATE DATA REPORTS.—Section
5 106(d) of the Child Abuse Prevention and Treat-
6 ment Act (42 U.S.C. 5106a(d)) is amended—

7 (A) in paragraph (1), by inserting before
8 the period at the end the following: “(including
9 reports of child abuse and neglect occurring at
10 covered programs, as such term is defined in
11 section 114)”;

12 (B) in paragraph (6), by inserting before
13 the period at the end the following: “or who
14 were in the care of a covered program, as such
15 term is defined in section 114”.

16 (d) CLERICAL AMENDMENT.—Section 1(b) of the
17 Child Abuse Prevention and Treatment Act (42 U.S.C.
18 5101 note) is amended by inserting after the item relating
19 to section 113 the following new item:

“Sec. 114. Additional eligibility requirements for grants to States for child
abuse and neglect prevention and treatment programs.”.

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