

117TH CONGRESS
1ST SESSION

S. 1483

To amend part B of title IV of the Social Security Act to require States to review child fatalities from maltreatment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2021

Mr. BROWN (for himself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part B of title IV of the Social Security Act to require States to review child fatalities from maltreatment, 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 “Child Abuse Death
5 Disclosure Act”.

6 **SEC. 2. STRENGTHENING NATIONAL DATA ON CHILD FA-**
7 **TALITIES FROM MALTREATMENT.**

8 (a) IV–B REQUIREMENT TO REVIEW CHILD FATALI-
9 TIES FROM MALTREATMENT.—Section 422(b)(19) of the
10 Social Security Act (42 U.S.C. 622(b)(19)) is amended—

1 (1) in subparagraph (A), by striking “and”
2 after the semicolon;

3 (2) in subparagraph (B), by striking the period
4 at the end and inserting “; and”; and

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

6 “(C) an assurance that the State shall—

7 “(i) engage at least annually, and,
8 more frequently as necessary, in a multi-
9 disciplinary review of all child fatalities
10 from maltreatment in the State that oc-
11 curred during the previous year in accord-
12 ance with the requirements of section
13 429A; and”.

14 (b) REVIEW REQUIREMENTS.—Subpart 1 of part B
15 of title IV of the Social Security Act (42 U.S.C. 621 et
16 seq.) is amended by adding at the end the following:

17 **“SEC. 429A. ONGOING REVIEW OF CHILD FATALITIES FROM**
18 **MALTREATMENT.**

19 “(a) REQUIREMENTS.—In order to satisfy the re-
20 quirements of section 422(b)(19)(C), a State shall require
21 the State’s multidisciplinary child death review team or,
22 if the State does not have such a team as of the date of
23 enactment of this section, a multidisciplinary team estab-
24 lished by the State that is comprised of representatives
25 of integral elements of the State child welfare system, such

1 as child welfare workers, child protective services workers,
2 prosecutors, law enforcement, coroners or medical exam-
3 iners, public health care providers, pediatricians with ex-
4 pertise in child maltreatment and the child welfare system,
5 children’s advocacy centers, substance use disorder treat-
6 ment providers, and advocates and researchers for the pre-
7 vention and treatment of domestic violence, as well as rep-
8 resentatives of educators, including early childhood edu-
9 cators and child care providers (in this section referred
10 to as the ‘review team’), to review, at least annually and
11 more frequently as necessary, all child fatalities from mal-
12 treatment in the State that occurred during the most re-
13 cently ended fiscal year and for which the period for all
14 administrative or judicial review is complete. Any child fa-
15 tality from maltreatment in the State that occurred during
16 the most recently ended fiscal year but for which the pe-
17 riod for all administrative or judicial review is not com-
18 plete shall be reviewed by the review team in during the
19 first review period that occurs after the period for which
20 all administrative or judicial review is complete.

21 “(b) REPORT AND RECOMMENDATIONS.—The review
22 team shall—

23 “(1) for each child fatality from maltreatment
24 in the State subject to review, make findings based
25 on information available to the review team regard-

1 ing the causes of child’s fatality and other factors
2 that impacted the child’s fatality, including to the
3 extent possible and taking into account privacy pro-
4 tections under Federal and State law—

5 “(A) the circumstances of the fatality;

6 “(B) the characteristics of the victim, the
7 perpetrators, including their relationship to the
8 child, and the parents or guardians of the child;

9 “(C) whether there were previous familial
10 interactions with child protective services and
11 the outcomes of those interactions;

12 “(D) whether the child had any siblings
13 and how many;

14 “(E) whether there were other children
15 present or living in the household at the time
16 of the fatality; and

17 “(F) the social services, public cash or in-
18 kind assistance (including housing), health (in-
19 cluding mental health) services, alcohol or sub-
20 stance use disorder treatment, or other public
21 or private services provided to or on behalf of
22 the child prior to the child’s death;

23 “(2) submit all findings and data made in ac-
24 cordance with paragraph (1) to the Child Death Re-
25 view Case Reporting System (in this section referred

1 to as the ‘CDR Reporting System’) operated by the
2 National Center for Fatality Review and Prevention;

3 “(3) based on the findings made in accordance
4 with paragraph (1), develop recommendations for
5 preventing future child fatalities from maltreatment;
6 and

7 “(4) submit a report, at least annually, and,
8 more frequently as necessary, to the State Governor,
9 the State legislature, and, if the incident reporting
10 threshold established under subsection (c) is met, to
11 the Secretary, that contains the findings and data
12 submitted to the CDR Reporting System under sub-
13 paragraph (2) (de-identified) and the recommenda-
14 tions developed under paragraph (3).

15 “(c) INCIDENT REPORTING THRESHOLD.—

16 “(1) STATE-SPECIFIC THRESHOLDS.—

17 “(A) IN GENERAL.—The Secretary annu-
18 ally shall establish a national reporting incident
19 threshold for each State for purposes of pro-
20 tecting the privacy of families and other living
21 individuals whose information is part of the
22 findings and data submitted under subsection
23 (b)(2) and the reports to the State Governor
24 and State Legislature required under subsection
25 (b)(4).

1 “(B) REQUIREMENTS.—In establishing the
2 national reporting incident threshold for a
3 State, the Secretary shall ensure that the re-
4 porting threshold is subject to privacy protec-
5 tions that are designed to protect the privacy
6 of—

7 “(i) children;

8 “(ii) individuals who are not the per-
9 petrators of the child maltreatment that
10 resulted in the fatality; and

11 “(iii) individuals who are or have been
12 victimized by domestic violence or who are
13 at risk of domestic violence.

14 “(2) APPLICATION.—If the number of child fa-
15 talities from maltreatment in a State in a fiscal year
16 is below the reporting threshold established for the
17 State for the fiscal year, the State shall not submit
18 the report required under subsection (b)(4) to the
19 Secretary but shall submit to the Secretary—

20 “(A) the findings and data submitted to
21 the CDR Reporting System under subsection
22 (b)(2) for the purpose of making such findings
23 and data accessible as a public use data set on
24 the national website required under subsection

1 (g) after redacting any personal identifying in-
 2 formation; and

3 “(B) the recommendations developed under
 4 subsection (b)(3).

5 “(d) TRAINING.—

6 “(1) IN GENERAL.—In order to satisfy the re-
 7 quirements of section 422(b)(19)(C) and subsection
 8 (i), a State shall provide the following short-term
 9 training:

10 “(A) REVIEW TEAM SPECIFIC DUTIES.—

11 The State shall provide the members and staff
 12 of the review team with training regarding—

13 “(i) applying the set of national defi-
 14 nition standards promulgated under sec-
 15 tion 3(a) of the Child Abuse Death Disclo-
 16 sure Act; and

17 “(ii) as needed in order to maintain
 18 consistency across services and outcomes,
 19 approaches to—

20 “(I) reduce and prevent discrimi-
 21 nation based on race or culture (in-
 22 cluding training related to implicit bi-
 23 ases) in the provision of child protec-
 24 tion and welfare services related to
 25 child abuse and neglect; and

1 “(II) address racial or cultural
2 disproportionality in the incidence of
3 child maltreatment fatality cases.

4 “(B) DATA COLLECTION AND REPORT-
5 ING.—The State shall provide administrators
6 and staff of State-licensed or State-approved
7 child welfare agencies responsible for data col-
8 lection and reporting with training regarding
9 reporting on child maltreatment fatality cases
10 and applying the set of national definition
11 standards promulgated under section 3(a) of
12 the Child Abuse Death Disclosure Act.

13 “(2) STATE OPTION FOR TRAINING TO IMPROVE
14 EARLY DETECTION.—At the option of the State, and
15 in addition to the training required under paragraph
16 (1), the State may provide pediatricians, emergency
17 room physicians, and other medical professionals
18 with training relating to identifying, assessing, and
19 responding to potential abuse in infants to prevent
20 future cases of child abuse and related fatalities, in-
21 cluding with respect to improving conditions that
22 may result in an infant being unsafe, alignment with
23 child protective services policies and practices (as
24 appropriate), and identifying injuries indicative of
25 potential abuse in infants.

1 “(e) FUNDING.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 amounts expended by a State during each quarter
4 beginning after the effective date of this section for
5 administrative costs (as defined in section 422(c)(1))
6 to carry out this section and section 422(b)(19)(C)
7 shall be deemed to be amounts expended during
8 such quarter as found necessary by the Secretary for
9 the proper and efficient administration of the State
10 plan under part E and eligible for Federal matching
11 payments under section 474(a)(3)(E) without regard
12 to whether such costs are incurred on behalf of a
13 child who is, or is potentially, eligible for foster care
14 maintenance payments or adoption assistance under
15 part E.

16 “(2) TRAINING.—Amounts expended by a State
17 during each quarter beginning after the effective
18 date of this section for providing training under sub-
19 section (d) (including training at State option under
20 paragraph (2) of that subsection) shall be eligible for
21 Federal matching payments under section
22 474(a)(3)(B) without regard to whether such costs
23 are incurred on behalf of a child who is, or is poten-
24 tially, eligible for foster care maintenance payments
25 or adoption assistance under part E.

1 “(f) INDIAN TRIBES, TRIBAL ORGANIZATIONS.—The
2 Secretary, in consultation with the Assistant Secretary-In-
3 dian Affairs of the Bureau of Indian Affairs of the De-
4 partment of Interior and tribal child welfare organiza-
5 tions, shall determine how and the extent to which the re-
6 quirements of this section shall apply to Indian tribes and
7 tribal organizations (as defined in section 4 of the Indian
8 Self-Determination and Education Assistance Act (25
9 U.S.C. 5304).

10 “(g) NONAPPLICATION.—The limitations on pay-
11 ments for administrative costs under sections 424(e) and
12 472(i) shall not apply to State expenditures made to carry
13 out this section.

14 “(h) NATIONAL WEBSITE.—

15 “(1) IN GENERAL.—The Secretary, in coordina-
16 tion with the National Center for Fatality Review
17 and Prevention, shall publish on a website that is
18 available to the public and maintained and updated
19 at least annually—

20 “(A) each report submitted to the Sec-
21 retary under subsection (b)(4); and

22 “(B) the findings and data submitted to
23 the CDR Reporting System under subsection
24 (b)(2) (with any personal identifying informa-
25 tion or information that identifies the submit-

1 ting State redacted) in a manner that is acces-
 2 sible as a public use data set for purposes of re-
 3 search to identify risk factors to prevent future
 4 deaths of children from maltreatment.

5 “(2) NOTICE TO CONGRESS.—The Secretary
 6 shall notify Congress when information on the
 7 website required under paragraph (1) is updated.”.

8 (c) CONFORMING AMENDMENT.—Section 425 of the
 9 Social Security Act (42 U.S.C. 625) is amended by strik-
 10 ing “426, 427, and 429” and inserting “422(b)(19)(C),
 11 426, 427, 429, and 429A”.

12 **SEC. 3. DEVELOPMENT OF NATIONAL DEFINITION STAND-**
 13 **ARDS RELATING TO CHILD FATALITIES FROM**
 14 **MALTREATMENT.**

15 (a) PROMULGATION OF NATIONAL DEFINITION
 16 STANDARDS.—Not later than 18 months after the date
 17 of enactment of this Act, the Secretary of Health and
 18 Human Services (in this section referred to as the “Sec-
 19 retary”) shall promulgate proposed regulations estab-
 20 lishing a set of national definition standards relating to
 21 child fatalities from maltreatment that States shall use to
 22 report data to the National Child Abuse and Neglect Data
 23 System established and maintained in accordance with
 24 section 103 of the Child Abuse Prevention and Treatment
 25 Act (42 U.S.C. 5104) and, not later than 6 months after

1 the date on which the public comment period on the pro-
2 posed regulations closes, shall issue final regulations es-
3 tablishing such standards.

4 (b) REQUIREMENTS.—In promulgating the regula-
5 tions under subsection (a), the Secretary shall consult with
6 representatives of—

- 7 (1) State and county officials responsible for
8 administering the State plans under parts B and E
9 of title IV of the Social Security Act;
- 10 (2) child welfare professionals with field experi-
11 ence;
- 12 (3) child welfare researchers;
- 13 (4) child development professionals;
- 14 (5) mental health professionals;
- 15 (6) substance use disorder treatment profes-
16 sionals;
- 17 (7) emergency medicine physicians;
- 18 (8) child abuse pediatricians, as certified by the
19 American Board of Pediatrics, who specialize in
20 treating victims of child abuse;
- 21 (9) forensic pathologists;
- 22 (10) children’s advocacy centers;
- 23 (11) public health administration;
- 24 (12) public health researchers;
- 25 (13) law enforcement;

- 1 (14) prosecutors;
- 2 (15) advocates and researchers for the preven-
- 3 tion and treatment of domestic violence;
- 4 (16) a representative from the National Center
- 5 for Fatality Review and Prevention; and
- 6 (17) such other organizations or entities as the
- 7 Secretary determines appropriate.

8 (c) CONFORMING AMENDMENTS.—

9 (1) CAPTA.—

10 (A) NATIONAL CHILD ABUSE AND NE-

11 GLECT DATA SYSTEM.—Section 103(e)(1)(C) of

12 the Child Abuse Prevention and Treatment Act

13 (42 U.S.C. 5104(e)(1)(C)) is amended—

14 (i) in clause (iii), by striking “and”

15 after the semicolon;

16 (ii) in clause (iv), by adding “and”

17 after the semicolon; and

18 (iii) by inserting after clause (iv), the

19 following:

20 “(v) information on child fatalities

21 from maltreatment in accordance with the

22 set of national definition standards pro-

23 mulgated under section 3(a) of the Child

24 Abuse Death Disclosure Act;”.

1 (B) STATE DATA REPORTS.—Section
2 106(d) of the Child Abuse Prevention and
3 Treatment Act (42 U.S.C. 5106a(d)) is amend-
4 ed by adding at the end the following:

5 “(19) The number of child fatalities from mal-
6 treatment and related information required to be re-
7 ported in accordance with the set of national defini-
8 tion standards promulgated under section 3(a) of
9 the Child Abuse Death Disclosure Act.”.

10 (2) SOCIAL SECURITY ACT.—

11 (A) IV–B PLAN.—Section 422(b)(19)(C)
12 of the Social Security Act (42 U.S.C.
13 622(b)(19)), as amended by section 2(a), is fur-
14 ther amended by adding at the end the fol-
15 lowing:

16 “(ii) report information on child mal-
17 treatment deaths in accordance with the
18 set of national definition standards pro-
19 mulgated under section 3(a) of the Child
20 Abuse Death Disclosure Act.”.

21 (B) REVIEW REQUIREMENTS.—Section
22 429A of the Social Security Act, as added by
23 section 2(b), is amended by adding at the end
24 the following:

1 “(i) APPLICATION OF NATIONAL DEFINITION
2 STANDARDS.—The review team shall use the set of na-
3 tional definition standards promulgated under section 3(a)
4 of the Child Abuse Death Disclosure Act to make and sub-
5 mit findings and data to the CDR Reporting System and
6 to develop the recommendations required under subsection
7 (b)(3).”.

8 **SEC. 4. EFFECTIVE DATE; APPLICATION.**

9 (a) IN GENERAL.—This Act and the amendments
10 made by this Act take effect on the date of enactment
11 of this Act.

12 (b) APPLICATION TO IV–B STATE PLANS.—A State
13 plan under part B of title IV of the Social Security Act
14 shall not be regarded as failing to comply with the addi-
15 tional requirements imposed on the plan by this Act and
16 the amendments made by this Act before the date that
17 is 3 years after the date of enactment of this Act.

○