

116TH CONGRESS
1ST SESSION

S. 1353

To amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2019

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, 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 “Speak Up to Protect
5 Every Abused Kid Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) children are dependent on the adults in
9 their lives, including parents, extended family, teach-

1 ers, health care providers, and others in their com-
 2 munity, to ensure their safety and well-being;

3 (2) data from the Administration on Children
 4 and Families for 2016 indicate that 671,622 chil-
 5 dren in the United States were reported as being
 6 victims of child abuse or neglect, and 1,447 of those
 7 children died as a result of such abuse or neglect;

8 (3) regardless of whether an adult is legally re-
 9 quired to report child abuse and neglect, every adult
 10 who suspects or knows about child abuse or neglect
 11 has a moral duty to report such concerns to the ap-
 12 propriate authorities; and

13 (4) establishing a Federal standard for the
 14 classes of individuals that State law establishes as
 15 mandated reporters will protect children and ensure
 16 greater consistency among the laws of States, while
 17 allowing States the flexibility to establish additional
 18 classes of individuals as mandated reporters.

19 **SEC. 3. EDUCATIONAL CAMPAIGNS AND TRAINING.**

20 The Child Abuse Prevention and Treatment Act is
 21 amended by inserting after section 103 (42 U.S.C. 5104)
 22 the following:

23 **“SEC. 103A. EDUCATIONAL CAMPAIGNS AND TRAINING.**

24 “(a) IN GENERAL.—The Secretary shall make grants
 25 to eligible entities to carry out educational campaigns and

1 provide evidence-based or evidence-informed training re-
 2 garding State laws for mandatory reporting of incidents
 3 of child abuse or neglect.

4 “(b) GUIDANCE AND INFORMATION ON BEST PRAC-
 5 TICES.—The Secretary shall develop and disseminate
 6 guidance and information on best practices for—

7 “(1) educational campaigns to educate members
 8 of the public about—

9 “(A) the acts and omissions that constitute
 10 child abuse or neglect under State law;

11 “(B) the responsibilities of adults to report
 12 suspected and known incidents of child abuse or
 13 neglect under State law; and

14 “(C) the resources available to struggling
 15 families to help prevent child abuse and neglect;
 16 and

17 “(2) evidence-based or evidence-informed train-
 18 ing programs to improve such reporting by adults,
 19 with a focus on adults who work with children in a
 20 professional or volunteer capacity.

21 “(c) APPLICATIONS.—To be eligible to receive a grant
 22 under this section, an entity shall submit an application
 23 to the Secretary at such time, in such manner, and con-
 24 taining such information as the Secretary may require. In
 25 determining whether to make a grant under this section,

1 the Secretary shall determine whether the educational
 2 campaign or training proposed by the entity uses practices
 3 described in the guidance and information developed
 4 under subsection (b).

5 “(d) USE OF FUNDS.—An entity that receives a
 6 grant under this section shall use the funds made available
 7 through the grant to carry out an educational campaign,
 8 or provide training, described in subsection (b).

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 10 is authorized to be appropriated to carry out this section
 11 \$5,000,000 for fiscal year 2020 and \$10,000,000 for each
 12 of fiscal years 2021 through 2024.”.

13 **SEC. 4. GRANTS TO STATES FOR CHILD ABUSE OR NE-**
 14 **GLECT PREVENTION AND TREATMENT PRO-**
 15 **GRAMS.**

16 Section 106(b) of the Child Abuse Prevention and
 17 Treatment Act (42 U.S.C. 5106a(b)) is amended—

18 (1) in paragraph (2)—

19 (A) in subparagraph (B), by striking “(B)
 20 an assurance” and all that follows through the
 21 end of clause (i), and inserting the following:

22 “(B) an assurance in the form of a certifi-
 23 cation by the Governor of the State that the
 24 State has in effect and is enforcing a State law,
 25 or has in effect and is operating a statewide

1 program, relating to child abuse and neglect
2 that includes—

3 “(i) provisions or procedures for an
4 individual described in paragraph (5) to re-
5 port suspected or known incidents of child
6 abuse or neglect to a State child protective
7 service agency or to a law enforcement
8 agency, which shall include a State law for
9 mandatory reporting of such incidents, to
10 either type of agency, by any individual de-
11 scribed in paragraph (5), in accordance
12 with paragraph (6);”;

13 (B) in subparagraph (F), by striking “;
14 and” and inserting “;”;

15 (C) in subparagraph (G), by striking the
16 period at the end and inserting “;”;

17 (D) by inserting after subparagraph (G)
18 the following:

19 “(H) an assurance that the State, in devel-
20 oping the State plan described in paragraph
21 (1), has established procedures to ensure co-
22 ordination between the State law or statewide
23 program described in subparagraph (B) and
24 relevant law enforcement and State or commu-
25 nity-based victims’ services agencies to ensure

1 that children who are the victims of acts by a
2 perpetrator other than a parent or caretaker
3 that would be considered child abuse or neglect
4 under section 3(2) if the perpetrator of such act
5 were a parent or caretaker, are referred for ap-
6 propriate follow-up services, even if such chil-
7 dren do not qualify for the protections under
8 such State law or statewide program;

9 “(I) an assurance that the State will—

10 “(i) take primary responsibility to ac-
11 cept and investigate reports of known and
12 suspected child abuse or neglect pertaining
13 to an incident that occurred in that State,
14 even if the child or the alleged perpetrator
15 resides in a different State;

16 “(ii) in the case of a State that takes
17 primary responsibility to investigate a re-
18 port as described in clause (i), share the
19 results of the investigation with the State
20 where the child resides and with the State
21 where the alleged perpetrator resides; and

22 “(iii) in the case of a State in which
23 the child or alleged perpetrator resides, but
24 where the alleged incident did not occur,
25 establish a plan to assist the State with

1 primary responsibility for the investigation;

2 and

3 “(J) an assurance that the State has es-
4 tablished procedures to screen for domestic vio-
5 lence in the course of investigating child abuse
6 and that such procedures—

7 “(i) were developed in consultation
8 with the State Domestic Violence Coalition
9 (as defined in section 302 of the Family
10 Violence Prevention and Services Act (42
11 U.S.C. 10402)) or other entity eligible for
12 funds under section 311 of the Family Vio-
13 lence Prevention and Services Act (42
14 U.S.C. 10411); and

15 “(ii) include training and practice re-
16 quirements for investigators of child abuse
17 where domestic violence is also present.”;
18 and

19 (2) by adding at the end the following:

20 “(5) INDIVIDUALS REQUIRED TO REPORT SUS-
21 PECTED OR KNOWN CHILD ABUSE OR NEGLECT.—
22 To satisfy the requirements of paragraph (2)(B)(i),
23 a State law for mandatory reporting described in
24 such paragraph shall require all of the following in-

1 individuals to report suspected or known incidents of
2 child abuse or neglect:

3 “(A) Individuals licensed or certified to
4 practice in any health-related field licensed by
5 the State, employees of health care facilities or
6 providers licensed by the State, who are en-
7 gaged in the admission, examination, care or
8 treatment of individuals, including mental
9 health and emergency medical services pro-
10 viders.

11 “(B) Individuals employed by a school who
12 have direct contact with children, including
13 teachers, administrators, and independent con-
14 tractors.

15 “(C) Peace officers and law enforcement
16 personnel.

17 “(D) Clergy, including Christian Science
18 practitioners, except where prohibited on ac-
19 count of clergy-penitent privilege.

20 “(E) Day care and child care operators
21 and employees.

22 “(F) Employees of social services agencies
23 who have direct contact with children in the
24 course of employment.

25 “(G) Foster parents.

1 “(H) Court appointed special advocates
2 (employees and volunteers).

3 “(I) Camp and after-school employees.

4 “(J) An individual, paid or unpaid, who,
5 on the basis of the individual’s role as an inte-
6 gral part of a regularly scheduled program, ac-
7 tivity, or service, accepts responsibility for a
8 child.

9 “(K) Other individuals, as the applicable
10 State law or statewide program may require.

11 “(6) REPORTING REQUIREMENT.—To satisfy
12 the requirements of paragraph (2)(B)(i), a State law
13 for mandatory reporting described in such para-
14 graph shall require such individuals to report sus-
15 pected or known incidents of child abuse or neglect
16 directly to the appropriate law enforcement or child
17 welfare agency (as applicable under State law) and,
18 if applicable, to the individual’s supervisor or em-
19 ployer.”.

20 **SEC. 5. APPROACHES AND TECHNIQUES TO IMPROVE RE-**
21 **PORTING.**

22 (a) ELIGIBILITY.—Section 107(b) of the Child Abuse
23 Prevention and Treatment Act (42 U.S.C. 5106c(b)) is
24 amended—

25 (1) in paragraph (4)—

1 (A) in subparagraph (A), by striking
2 “and” at the end; and

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

4 “(C) support training for adults who work
5 with children in a professional or volunteer ca-
6 pacity, to report suspected and known incidents
7 of child abuse or neglect under State law; and”;
8 and

9 (2) in paragraph (5), by inserting before the pe-
10 riod “and the training described in paragraph
11 (4)(C)”.

12 (b) STATE TASK FORCE STUDY.—Section 107(d) of
13 such Act (42 U.S.C. 5106c(d)) is amended—

14 (1) in paragraph (1), by striking “and” at the
15 end;

16 (2) in paragraph (2), by striking the period and
17 inserting “; and”; and

18 (3) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) evaluate the State’s efforts to train adults
21 who work with children in a professional or volun-
22 teer capacity, to report suspected and known inci-
23 dents of child abuse or neglect under State law.”.

1 (c) ADOPTION OF RECOMMENDATIONS.—Section
 2 107(e)(1) of such Act (42 U.S.C. 5106e(e)(1)) is amend-
 3 ed—

4 (1) in subparagraph (B), by striking “and” at
 5 the end;

6 (2) in subparagraph (C), by striking the period
 7 and inserting “; and”; and

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

9 “(D) experimental, model, and demonstra-
 10 tion programs for testing innovative approaches
 11 and techniques that may improve reporting of
 12 and response to suspected and known incidents
 13 of child abuse or neglect by adults to the State
 14 child protective service agencies or to law en-
 15 forcement agencies.”.

16 **SEC. 6. GENERAL PROGRAM GRANTS.**

17 Section 108 of the Child Abuse Prevention and
 18 Treatment Act (42 U.S.C. 5106d) is amended by adding
 19 at the end the following:

20 “(f) MANDATORY REPORTING.—To be eligible to re-
 21 ceive any form of financial assistance under this title, a
 22 State shall include in the corresponding plan or applica-
 23 tion an assurance that the State has in effect a State law
 24 for mandatory reporting described in section
 25 106(b)(2)(B)(i).”.

1 **SEC. 7. REPORTS.**

2 Section 110 of the Child Abuse Prevention and
3 Treatment Act (42 U.S.C. 5106f) is amended by adding
4 at the end the following:

5 “(e) STUDY AND REPORT ON STATE MANDATORY
6 REPORTING LAWS.—

7 “(1) STUDY.—Not later than 4 years after the
8 date of enactment of the Speak Up to Protect Every
9 Abused Kid Act, the Secretary shall collect informa-
10 tion on and otherwise study the efforts of States re-
11 lating to State laws for mandatory reporting of inci-
12 dents of child abuse or neglect, in order to assess
13 the implementation of the amendments made by that
14 Act.

15 “(2) REPORT.—

16 “(A) IN GENERAL.—Not later than 4 years
17 after the date of enactment of the Speak Up to
18 Protect Every Abused Kid Act, the Secretary
19 shall submit to the appropriate committees of
20 Congress a report containing the findings of the
21 study under paragraph (1).

22 “(B) CONTENTS.—The report submitted
23 under subparagraph (A) shall—

24 “(i) provide an update on—

1 “(I) implementation of State laws
 2 for mandatory reporting described in
 3 section 106(b)(2)(B)(i); and

4 “(II) State efforts to improve re-
 5 porting on, and responding to reports
 6 of, child abuse or neglect; and

7 “(ii) include data regarding any
 8 changes in the rate of substantiated child
 9 abuse reports and changes in the rate of
 10 child abuse fatalities since the date of en-
 11 actment of the Speak Up to Protect Every
 12 Abused Kid Act.”.

13 **SEC. 8. COMMUNITY-BASED GRANTS.**

14 Section 204 of the Child Abuse Prevention and
 15 Treatment Act (42 U.S.C. 5116d) is amended—

16 (1) in paragraph (11), by striking “and” at the
 17 end;

18 (2) in paragraph (12), by striking the period
 19 and inserting “; and”; and

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

21 “(13) an assurance that the State has in effect
 22 a State law for mandatory reporting described in
 23 section 106(b)(2)(B)(i).”.

1 **SEC. 9. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this Act takes effect on the date of enactment of this
4 Act.

5 (b) MANDATORY REPORTING REQUIREMENTS.—The
6 amendments made by sections 4, 5(a), 6, and 8 shall apply
7 to the applicable plans and applications submitted after
8 the date that is 2 years after the date of enactment of
9 this Act.

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