

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	<b>1. Log No:</b> ACYF-CB-IM-11-02	<b>2. Issuance Date:</b> February 15, 2011
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Child Abuse Prevention and Treatment Act (CAPTA); CAPTA Reauthorization Act of 2010	

### INFORMATION MEMORANDUM

**TO:** The State Office, Agency or Organization Designated by the Governor to Apply for a Child Abuse and Neglect State Grant

**SUBJECT:** NEW LEGISLATION-Public Law 111-320, the CAPTA Reauthorization Act of 2010

**LEGAL AND RELATED:** Title I of the Child Abuse Prevention and Treatment Act, as amended by Public Law 111-320, enacted December 20, 2010 (42 U.S.C. 5101 *et seq.*)

**PURPOSE:** To inform States of the enactment of the CAPTA Reauthorization Act of 2010 and provide basic information on the resulting changes in the CAPTA grants to States for child abuse or neglect prevention and treatment programs.

**INFORMATION:** The President signed the CAPTA Reauthorization Act of 2010, Public Law (P.L.) 111-320 into law on December 20, 2010. The law reauthorizes and amends the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment, and Adoption Reform Act of 1978 (the Adoption Opportunities Program), and the Abandoned Infants Assistance Act of 1988. Grants to States for child abuse or neglect prevention and treatment (CAPTA State grants), grants to States for programs relating to investigation and prosecution of child abuse and neglect (Children's Justice Act grants), community-based grants for the prevention of child abuse and neglect (CBCAP), CAPTA discretionary research and demonstration grants, the Adoption Opportunities program and the Abandoned Infants Assistance program are reauthorized with no increase in the amount of existing authorizations through fiscal year 2015. The law adds to the purposes and requirements of many of these programs. The changes include a requirement for a study on shaken baby syndrome (section 104(a)(5)) and a requirement to conduct a study and submit a Report to Congress relating to immunity from prosecution for professional consultation in reporting instances of child abuse and neglect (section 110(d)).

Some of the major changes to title I of CAPTA are described below (please refer to the attached law for the complete amendments).

### **Grants to States for child abuse or neglect prevention and treatment programs (CAPTA State grants)**

#### *Eligibility requirements for grants to States for child abuse or neglect prevention and treatment programs*

Public Law 111-320 amends the eligibility requirements for grants to States for child abuse or neglect prevention and treatment programs.<sup>1</sup> The law removes the requirement that States must prepare and submit a State plan every five years. Instead, the State must submit a plan to the Department of Health and Human Services (HHS) that will remain in effect for the duration of the State's participation in the grant program, with additional conditions (section 106(b)(1)(B)(i)). These conditions are as follows: 1) the State must periodically review and revise the plan to reflect any changes in the State's strategies or programs under the grant program (section 106(b)(1)(B)(ii)); 2) the State must provide notice to HHS of any substantive changes relating to the prevention of child abuse and neglect that may affect the State's eligibility for the grant program (including statutory and regulatory changes) (section 106(b)(1)(C)(i)); 3) the State must continue to provide notice to HHS of any significant changes in how the State is using grant funds which differ from those described in the State's current State plan (section 106(b)(1)(C)(ii)); and 4) the State must continue to prepare and submit to HHS an annual report describing how the funds provided under CAPTA were used to address the purposes and achieve the objectives of the grant program (section 108(e)).

In addition, P.L. 111-320 amends the requirements for the State plan and assurances, which now include:

- An assurance in the form of a certification by the Governor that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program that includes provisions and procedures for:
  - reporting of child abuse and neglect, including a State law for mandatory reporting on child abuse and neglect by certain individuals required to report such instances (section 106(b)(2)(B)(i));
  - addressing the needs of infants born with and identified as being affected by a Fetal Alcohol Spectrum Disorder (including appropriate referrals to child protection service systems and for other appropriate services) (section 106(b)(2)(B)(ii));
  - including differential response in triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service (section 106(b)(2)(B)(v));
  - training in early childhood, child, and adolescent development for

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<sup>1</sup> We will issue a separate Program Instruction informing States of any modifications that may be necessary to a State's Child and Family Services Plan and/or Annual Progress and Services Report for FY 2011 or future years as a result of the change in CAPTA State grant requirements.

- guardians ad litem appointed to victims of child abuse or neglect in cases which result in a judicial proceeding (section 106(b)(2)(B)(xiii));
- assuring that the State does not require reunification of a child with a parent who has been found by a court to have committed sexual abuse against a child of the parent or who the court has required to be registered in a sex offender registry under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a)) (section 106(b)(2)(B)(xvi)(V) and (VI));
  - requiring criminal background checks that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household (section 106(b)(2)(B)(xxii)); and
  - technology systems that support the child protective service system and track reports of child abuse and neglect from intake through final disposition (section 106(b)(2)(B)(xxiii)).
- A description of policies and procedures:
    - encouraging the appropriate involvement of families in decision-making pertaining to children who experienced child abuse or neglect (section 106(b)(2)(D)(iv));
    - promoting and enhancing collaboration among child protective services, domestic violence, substance abuse, and other agencies in investigations, interventions and service delivery to children and families affected by child abuse or neglect (including children exposed to domestic violence) (section 106(b)(2)(D)(v)); and
    - regarding the use of differential response, as applicable (section 106(b)(2)(D)(vi)).
  - An assurance that the State, to the maximum extent practicable, has coordinated its CAPTA State plan with its title IV-B State plan (section 106(b)(2)(A)).
  - An assurance that programs and training funded under title I of CAPTA address the needs of unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act (i.e., a youth not living in the physical custody of his/her parent or guardian who lacks a fixed, regular, and adequate nighttime residence, including youth awaiting foster care placement) and meet the requirements of McKinney-Vento Homeless Assistance Act (section 106(b)(2)(F)).

An assurance that the State has collaborated with community-based prevention agencies and families affected by child abuse or neglect in developing the State plan (section 106(b)(2)(G)).

*Allotments for grants to States for child abuse or neglect prevention and treatment programs*

The law details the formula for allocating grants to States for child abuse or neglect prevention and treatment programs (section 106(f)). The formula generally follows

the current methodology ACF employs to allocate these grant funds (described in detail in [ACYF-PI-NCCAN-97-01](#)). If the amount appropriated for the grants for the fiscal year does not exceed the amount appropriated for FY 2009 by \$1,000,000 or more, States and territories will receive a minimum base allocation of \$50,000 and a percentage of the remaining funds based on the number of children under age 18 in the State or territory. The total State grant allotment will increase (or decrease) if the appropriation for the grants is higher (or lower) for a FY, with higher minimum awards specified in years in which the amount of the appropriation exceeds the FY 2009 appropriation by at least \$1,000,000. In addition, unless the total amount appropriated for the grants under section 106 for the fiscal year is less than the total amount appropriated for fiscal year 2009, no State will receive a lower grant allocation for the fiscal year than the State received for FY 2009.

### Annual State Data Reports

The law requires States to report additional data in the annual State data reports, to the extent practicable, including:

- the number of families that received differential response as a preventative service during the year (section 106(d)(4));
- the average caseload for child protective services workers responsible for intake, screening, assessment, and investigation of reports (section 106(d)(7)(B));
- information on the education, qualifications and training requirements established by the State for child protective service personnel, data on the education, qualifications and training of personnel, and demographic information of personnel (sections 106(d)(10)(A-C));
- information on the caseload requirements for child protective service personnel, including requirements for the average number and the maximum number of cases per worker and supervisor (section 106(d)(10)(D));
- the number of children referred to child protective services under policies and procedures established to address the needs of infants born with and affected by illegal substance abuse, withdrawal symptoms or a Fetal Alcohol Spectrum Disorder (section 106(d)(15)); and
- the number of children under the age of three involved in a substantiated case of child abuse or neglect that were eligible to be referred to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (IDEA), and the number of these children actually referred to these early intervention services (section 106(d)(16)).

**EFFECTIVE  
DATE:**

The law is effective upon enactment, December 20, 2010.

**INQUIRIES TO:** Children's Bureau Regional Program Managers

/s/

Bryan Samuels  
Commissioner

Attachments:

A – [Public Law 111-320](#)

B – [CB Regional Office Program Managers](#)

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