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CHILDREN'S BUREAU

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Child Abuse Prevention and Treatment Act as Amended by the Keeping Children and Families Safe Act of 2003

SECTION I: CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 107. GRANTS TO STATES FOR PROGRAMS RELATING TO INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES. [42 U.S.C. 5106c]

[This section was amended by sec. 115 of P.L. 108-36.]

- a. GRANTS TO STATES.—The Secretary, in consultation with the Attorney General, is authorized to make grants to the States for the purpose of assisting States in developing, establishing, and operating programs designed to improve—
1. the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;
 2. the handling of cases of suspected child abuse or neglect related fatalities;
 3. the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and
 4. the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.
- b. ELIGIBILITY REQUIREMENTS.—In order for a State to qualify for assistance under this section, such State shall—
1. fulfill the requirements of section 107(b) [of this title];
 2. establish a task force as provided in subsection (c) [of this section];
 3. fulfill the requirements of subsection (d) [of this section];
 4. submit annually an application to the Secretary at such time and containing such information and assurances as the Secretary considers necessary, including an assurance that the State will—
 - A. make such reports to the Secretary as may reasonably be required; and
 - B. maintain and provide access to records relating to activities under subsections (a) and (b) of this section; and
 5. submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (3) of subsection (a) of this section.
- c. STATE TASK FORCES.—
1. GENERAL RULE.—Except as provided in paragraph (2), a State requesting assistance under this section shall establish or designate, and maintain, a State multidisciplinary task force on children's justice (hereinafter referred to as "State task force") composed of professionals with knowledge and experience relating to the criminal justice system and issues of child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities. The State task force shall include—
 - A. individuals representing the law enforcement community;
 - B. judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect (including individuals involved with the defense as well as the prosecution of such cases);
 - C. child advocates, including both attorneys for children and, where such programs are in operation, court appointed special advocates;
 - D. health and mental health professionals;
 - E. individuals representing child protective service agencies;

- F. individuals experienced in working with children with disabilities;
 - G. parents; and
 - H. representatives of parents' groups.
2. EXISTING TASK FORCE.—As determined by the Secretary, a State commission or task force established after January 1, 1983, with substantially comparable membership and functions, may be considered the State task force for purposes of this subsection.
- d. STATE TASK FORCE STUDY.—Before a State receives assistance under this section, and at three year intervals thereafter, the State task force shall comprehensively—
- 1. review and evaluate State investigative, administrative and both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal; and
 - 2. make policy and training recommendations in each of the categories described in subsection (e) of this section. The task force may make such other comments and recommendations as are considered relevant and useful.
- e. ADOPTION OF STATE TASK FORCE RECOMMENDATIONS.—
- 1. GENERAL RULE.—Subject to the provisions of paragraph (2), before a State receives assistance under this section, a State shall adopt recommendations of the State task force in each of the following categories—
 - A. investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused;
 - B. experimental, model and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of courtappointed attorneys and guardians ad litem for children, and which also ensure procedural fairness to the accused; and
 - C. reform of State laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly child sexual abuse and exploitation, while ensuring fairness to all affected persons.
 - 2. EXEMPTION.—As determined by the Secretary, a State shall be considered to be in fulfillment of the requirements of this subsection if—
 - A. the State adopts an alternative to the recommendations of the State task force, which carries out the purpose of this section, in each of the categories under paragraph (1) for which the State task force's recommendations are not adopted; or
 - B. the State is making substantial progress toward adopting recommendations of the State task force or a comparable alternative to such recommendations.
- f. FUNDS AVAILABLE.—For grants under this section, the Secretary shall use the amount authorized by section 1404A of the Victims of Crime Act of 1984 [42 U.S.C 10603a].

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