

112TH CONGRESS  
1ST SESSION

# S. 1667

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2011

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

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## 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 2011”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) ASSISTANT SECRETARY.—The term “Assist-  
9       ant Secretary” means the Assistant Secretary for

1 Children and Families of the Department of Health  
2 and Human Services.

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

5 (3) CHILD ABUSE AND NEGLECT.—The term  
6 “child abuse and neglect” has the meaning given  
7 such term in section 3 of the Child Abuse Preven-  
8 tion and Treatment Act (42 U.S.C. 5101 note).

9 (4) COVERED PROGRAM.—

10 (A) IN GENERAL.—The term “covered pro-  
11 gram” means each location of a program oper-  
12 ated by a public or private entity that, with re-  
13 spect to one or more children who are unrelated  
14 to the owner or operator of the program—

15 (i) provides a residential environment,  
16 such as—

17 (I) a program with a wilderness  
18 or outdoor experience, expedition, or  
19 intervention;

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

24 (III) a therapeutic boarding  
25 school; or

1 (IV) a behavioral modification  
2 program; and

3 (ii) operates with a focus on serving  
4 children with—

5 (I) emotional, behavioral, or men-  
6 tal health problems or disorders; or

7 (II) problems with alcohol or sub-  
8 stance abuse.

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

11 (i) a hospital licensed by the State; or

12 (ii) a foster family home that provides  
13 24-hour substitute care for children placed  
14 away from their parents or guardians and  
15 for whom the State child welfare services  
16 agency has placement and care responsi-  
17 bility and that is licensed and regulated by  
18 the State as a foster family home.

19 (5) PROTECTION AND ADVOCACY SYSTEM.—The  
20 term “protection and advocacy system” means a  
21 protection and advocacy system established under  
22 section 143 of the Developmental Disabilities Assist-  
23 ance and Bill of Rights Act of 2000 (42 U.S.C.  
24 15043).

1           (6) STATE.—The term “State” has the mean-  
2           ing given such term in section 3 of the Child Abuse  
3           Prevention and Treatment Act (42 U.S.C. 5101  
4           note).

5 **SEC. 3. STANDARDS AND ENFORCEMENT.**

6           (a) MINIMUM STANDARDS.—

7           (1) IN GENERAL.—Not later than 180 days  
8           after the date of the enactment of this Act, the As-  
9           sistant Secretary for Children and Families of the  
10          Department of Health and Human Services shall re-  
11          quire each covered program, in order to provide for  
12          the basic health and safety of children at such a pro-  
13          gram, to meet the following minimum standards:

14                 (A) Child abuse and neglect shall be pro-  
15                 hibited.

16                 (B) Disciplinary techniques or other prac-  
17                 tices that involve the withholding of essential  
18                 food, water, clothing, shelter, or medical care  
19                 necessary to maintain physical health, mental  
20                 health, and general safety, shall be prohibited.

21                 (C) The protection and promotion of the  
22                 right of each child at such a program to be free  
23                 from physical, chemical, and mechanical re-  
24                 straints and seclusion (as such terms are de-  
25                 fined in section 595 of the Public Health Serv-

1 ice Act (42 U.S.C. 290jj)) to the same extent  
2 and in the same manner as a non-medical, com-  
3 munity-based facility for children and youth is  
4 required to protect and promote the right of its  
5 residents to be free from such restraints and se-  
6 clusion under such section 595, including the  
7 prohibitions and limitations described in sub-  
8 section (b)(3) of such section.

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

12 (E) Each child at such a program shall  
13 have reasonable access to a telephone, and be  
14 informed of their right to such access, for mak-  
15 ing and receiving phone calls with as much pri-  
16 vacy as possible, and shall have access to the  
17 appropriate State or local child abuse reporting  
18 hotline number, and the national hotline num-  
19 ber referred to in subsection (c)(2).

20 (F) Each staff member, including volun-  
21 teers, at such a program shall be required, as  
22 a condition of employment, to become familiar  
23 with what constitutes child abuse and neglect,  
24 as defined by State law.

1 (G) Each staff member, including volun-  
2 teers, at such a program shall be required, as  
3 a condition of employment, to become familiar  
4 with the requirements, including with State law  
5 relating to mandated reporters, and procedures  
6 for reporting child abuse and neglect in the  
7 State in which such a program is located.

8 (H) Full disclosure, in writing, of staff  
9 qualifications and their roles and responsibil-  
10 ities at such program, including medical, emer-  
11 gency response, and mental health training, to  
12 parents or legal guardians of children at such  
13 a program, including providing information on  
14 any staff changes, including changes to any  
15 staff member's qualifications, roles, or respon-  
16 sibilities, not later than 10 days after such  
17 changes occur.

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

24 (J) Each staff member, including volun-  
25 teers with unsupervised contact with children

1 and youth, or more than 30 hours of supervised  
2 contact time per year, shall be required, as a  
3 condition of employment, to submit to a crimi-  
4 nal history check, including a name-based  
5 search of the National Sex Offender Registry  
6 established pursuant to the Adam Walsh Child  
7 Protection and Safety Act of 2006 (Public Law  
8 109–248; 42 U.S.C. 16901 et seq.), a search of  
9 the State criminal registry or repository in the  
10 State in which the covered program is oper-  
11 ating, and a Federal Bureau of Investigation  
12 fingerprint check. An individual shall be ineli-  
13 gible to serve in a position with any contact  
14 with children at a covered program if any such  
15 record check reveals a felony conviction for  
16 child abuse or neglect, spousal abuse, a crime  
17 against children (including child pornography),  
18 or a crime involving violence, including rape,  
19 sexual assault, or homicide, but not including  
20 other physical assault or battery.

21 (K) Policies and procedures for the provi-  
22 sion of emergency medical care, including poli-  
23 cies for staff protocols for implementing emer-  
24 gency responses.

1           (L) All promotional and informational ma-  
2           terials produced by such a program shall in-  
3           clude a hyperlink to or the URL address of the  
4           Web site created by the Assistant Secretary  
5           pursuant to subsection (c)(1)(A).

6           (M) Policies to require parents or legal  
7           guardians of a child attending such a pro-  
8           gram—

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

11                  (ii) to be notified within 24 hours of  
12                  any changes to the child's medical treat-  
13                  ment and the reason for such change; and

14                  (iii) to be notified within 24 hours of  
15                  any missed dosage of prescribed medica-  
16                  tion.

17           (N) Procedures for notifying immediately,  
18           to the maximum extent practicable, but not  
19           later than within 48 hours, parents or legal  
20           guardians with children at such a program of  
21           any—

22                   (i) on-site investigation of a report of  
23                  child abuse and neglect;

24                   (ii) violation of the health and safety  
25                  standards described in this paragraph; and



1 (iii) violation of State licensing stand-  
2 ards developed pursuant to section  
3 114(b)(1) of the Child Abuse Prevention  
4 and Treatment Act, as added by section 7  
5 of this Act.

6 (O) Other standards the Assistant Sec-  
7 retary determines appropriate to provide for the  
8 basic health and safety of children at such a  
9 program.

10 (2) REGULATIONS.—

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

16 (B) PUBLIC COMMENT.—The Assistant  
17 Secretary shall, for a 90-day period beginning  
18 on the date of the promulgation of interim reg-  
19 ulations under subparagraph (A) of this para-  
20 graph, solicit and accept public comment con-  
21 cerning such regulations. Such public comment  
22 shall be submitted in written form.

23 (C) FINAL REGULATIONS.—Not later than  
24 90 days after the conclusion of the 90-day pe-  
25 riod referred to in subparagraph (B) of this

1 paragraph, the Assistant Secretary shall pro-  
2 mulgate and enforce final regulations to carry  
3 out paragraph (1).

4 (b) MONITORING AND ENFORCEMENT.—

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

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

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

1 (C) be completed not later than 60 days  
2 after receipt by the Assistant Secretary of such  
3 a report;

4 (D) not interfere with an investigation by  
5 the State or a subdivision thereof; and

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

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

22 (A) Any owner or operator of a covered  
23 program at which the Assistant Secretary has  
24 found a violation of the standards required

1 under subsection (a)(1) may be assessed a civil  
2 penalty not to exceed \$50,000 per violation.

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

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

9 (1) Web sites made available to the public that  
10 contain, at a minimum, the following:

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

15 (i) each such program’s history of vio-  
16 lations of—

17 (I) regulations promulgated pur-  
18 suant to subsection (a); and

19 (II) section 114(b)(1) of the  
20 Child Abuse Prevention and Treat-  
21 ment Act, as added by section 7 of  
22 this Act;

23 (ii) each such program’s current sta-  
24 tus with the State licensing requirements  
25 under section 114(b)(1) of the Child Abuse

1 Prevention and Treatment Act, as added  
2 by section 7 of this Act;

3 (iii) any deaths that occurred to a  
4 child while under the care of such a pro-  
5 gram, including any such deaths that oc-  
6 curred in the five-year period immediately  
7 preceding the date of the enactment of this  
8 Act, and including the cause of each such  
9 death;

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

19 (v) any penalties levied under sub-  
20 section (b)(2) and any other penalties lev-  
21 ied by the State, against each such pro-  
22 gram.

23 (B) Information on best practices for help-  
24 ing adolescents with mental health disorders,  
25 conditions, behavioral challenges, or alcohol or

1 substance abuse, including information to help  
2 families access effective resources in their com-  
3 munities.

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

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

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

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

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

24 (4) ensure the collaboration and cooperation of  
25 the hotline established pursuant to subsection (c)(2)

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

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

6 If the Assistant Secretary determines that a violation  
7 of subsection (a)(1) of section 3 has not been remedied  
8 through the enforcement process described in subsection  
9 (b)(2) of such section, the Assistant Secretary shall refer  
10 such violation to the Attorney General for appropriate ac-  
11 tion. Regardless of whether such a referral has been made,  
12 the Attorney General may, *sua sponte*, file a complaint  
13 in any court of competent jurisdiction seeking equitable  
14 relief or any other relief authorized by this Act for such  
15 violation.

16 **SEC. 5. REPORT.**

17 Not later than one year after the date of the enact-  
18 ment of this Act and annually thereafter, the Secretary  
19 of Health and Human Services, in coordination with the  
20 Attorney General shall submit to the Committee on Edu-  
21 cation and Labor of the House of Representatives and the  
22 Committee on Health, Education, Labor, and Pensions of  
23 the Senate, a report on the activities carried out by the  
24 Assistant Secretary and the Attorney General under this  
25 Act, including—

1 (1) a summary of findings from on-going re-  
2 views conducted by the Assistant Secretary pursuant  
3 to section 3(b)(1), including a description of the  
4 number and types of covered programs investigated  
5 by the Assistant Secretary pursuant to such section;

6 (2) a description of types of violations of health  
7 and safety standards found by the Assistant Sec-  
8 retary and any penalties assessed;

9 (3) a summary of State progress in meeting the  
10 requirements of this Act, including the requirements  
11 under section 114 of the Child Abuse Prevention  
12 and Treatment Act, as added by section 7 of this  
13 Act;

14 (4) a summary of the Secretary's oversight ac-  
15 tivities and findings conducted pursuant to sub-  
16 section (d) of such section 114; and

17 (5) a description of the activities undertaken by  
18 the national toll-free telephone hotline established  
19 pursuant to section 3(c)(2).

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to the Sec-  
22 retary of Health and Human Services \$15,000,000 for  
23 each of fiscal years 2012 through 2016 to carry out this  
24 Act (excluding the amendment made by section 7 of this  
25 Act and section 8 of this Act).



1 **SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**  
2 **GRANTS TO STATES TO PREVENT CHILD**  
3 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**  
4 **GRAMS.**

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

8 **“SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**  
9 **GRANTS TO STATES TO PREVENT CHILD**  
10 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**  
11 **GRAMS.**

12 “(a) DEFINITIONS.—In this section:

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

15 “(2) COVERED PROGRAM.—

16 “(A) IN GENERAL.—The term ‘covered  
17 program’ means each location of a program op-  
18 erated by a public or private entity that, with  
19 respect to one or more children who are unre-  
20 lated to the owner or operator of the program—

21 “(i) provides a residential environ-  
22 ment, 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  
12                   mental health problems or disorders;  
13                   or

14                   “(II) problems with alcohol or  
15                   substance abuse.

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

18                   “(i) a hospital licensed by the State;  
19                   or

20                   “(ii) a foster family home that pro-  
21                   vides 24-hour substitute care for children  
22                   place away from their parents or guardians  
23                   and for whom the State child welfare serv-  
24                   ices agency has placement and care respon-

1                   sibility and that is licensed and regulated  
2                   by the State as a foster family home.

3                   “(3) PROTECTION AND ADVOCACY SYSTEM.—

4                   The term ‘protection and advocacy system’ means a  
5                   protection and advocacy system established under  
6                   section 143 of the Developmental Disabilities Assist-  
7                   ance and Bill of Rights Act of 2000 (42 U.S.C.  
8                   15043).

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

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

19                  “(A) standards that meet or exceed the  
20                  standards required under section 3(a)(1) of the  
21                  Stop Child Abuse in Residential Programs for  
22                  Teens Act of 2011;

23                  “(B) the provision of essential food, water,  
24                  clothing, shelter, and medical care necessary to

1 maintain physical health, mental health, and  
2 general safety of children at such programs;

3 “(C) policies for emergency medical care  
4 preparedness and response, including minimum  
5 staff training and qualifications for such re-  
6 sponses; and

7 “(D) notification to appropriate staff at  
8 covered programs if their position of employ-  
9 ment meets the definition of mandated reporter,  
10 as defined by the State;

11 “(2) develop policies and procedures to monitor  
12 and enforce compliance with the licensing require-  
13 ments developed in accordance with paragraph (1),  
14 including—

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

1           “(B) establishing a State licensing applica-  
2           tion process through which any individual seek-  
3           ing to operate a covered program would be re-  
4           quired to disclose all previous substantiated re-  
5           ports of child abuse and neglect and all child  
6           deaths at any businesses previously or currently  
7           owned or operated by such individual, except  
8           that substantiated reports of child abuse and  
9           neglect may remain confidential and all reports  
10          shall not contain any personally identifiable in-  
11          formation relating to the identity of individuals  
12          who were the victims of such child abuse and  
13          neglect;

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

17          “(D) creating a non-public database, to be  
18          integrated with the annual State data reports  
19          required under section 106(d), of reports of  
20          child abuse and neglect at covered programs op-  
21          erating in the State, except that such reports  
22          shall not contain any personally identifiable in-  
23          formation relating to the identity of individuals  
24          who were the victims of such child abuse and  
25          neglect; and

1           “(E) implementing a policy of graduated  
2           sanctions, including fines and suspension and  
3           revocation of licences, against covered programs  
4           operating in the State that are out of compli-  
5           ance with such health and safety licensing re-  
6           quirements;

7           “(3) if the State is not yet satisfying the re-  
8           quirements of this subsection, in accordance with a  
9           determination made pursuant to subsection (c), de-  
10          velop policies and procedures for notifying the Sec-  
11          retary and the appropriate protection and advocacy  
12          system of any report of child abuse and neglect at  
13          a covered program operating in the State not later  
14          than 30 days after the appropriate State entity, or  
15          subdivision thereof, determines such report should  
16          be investigated and not later than 48 hours in the  
17          event of a fatality;

18          “(4) if the Secretary determines that the State  
19          is satisfying the requirements of this subsection, in  
20          accordance with a determination made pursuant to  
21          subsection (c), develop policies and procedures for  
22          notifying the Secretary if—

23                 “(A) the State determines there is evidence  
24                 of a pattern of violations of the standards re-  
25                 quired under paragraph (1) at a covered pro-

1           gram operating in the State or by an owner or  
2           operator of such a program; or

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

5                   “(5) develop policies and procedures for estab-  
6           lishing and maintaining a publicly available database  
7           of all covered programs operating in the State, in-  
8           cluding the name and each location of each such  
9           program and the name of the owner and operator of  
10          each such program, information on reports of sub-  
11          stantiated child abuse and neglect at such programs  
12          (except that such reports shall not contain any per-  
13          sonally identifiable information relating to the iden-  
14          tity of individuals who were the victims of such child  
15          abuse and neglect and that such database shall in-  
16          clude and provide the definition of ‘substantiated’  
17          used in compiling the data in cases that have not  
18          been finally adjudicated), violations of standards re-  
19          quired under paragraph (1), and all penalties levied  
20          against such programs;

21                   “(6) annually submit to the Secretary a report  
22          that includes—

23                           “(A) the name and each location of all cov-  
24                   ered programs, including the names of the own-  
25                   ers and operators of such programs, operating

1 in the State, and any violations of State licens-  
2 ing requirements developed pursuant to sub-  
3 section (b)(1); and

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

10 “(7) if the Secretary determines that the State  
11 is satisfying the requirements of this subsection, in  
12 accordance with a determination made pursuant to  
13 subsection (c), develop policies and procedures to re-  
14 port to the appropriate protection and advocacy sys-  
15 tem any case of the death of an individual under the  
16 control or supervision of a covered program not later  
17 than 48 hours after the State is informed of such  
18 death.

19 “(c) SECRETARIAL DETERMINATION.—The Secretary  
20 shall not determine that a State’s licensing requirements,  
21 monitoring, and enforcement of covered programs oper-  
22 ating in the State satisfy the requirements of subsection  
23 (b) unless—



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

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

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

10           “(4) the State creates a non-public database of  
11           such covered programs, to include information on re-  
12           ports of child abuse and neglect at such programs  
13           (except that such reports shall not contain any per-  
14           sonally identifiable information relating to the iden-  
15           tity of individuals who were the victims of such child  
16           abuse and neglect);

17           “(5) the State implements a policy of graduated  
18           sanctions, including fines and suspension and rev-  
19           ocation of licenses against such covered programs  
20           that are out of compliance with the health and safe-  
21           ty licensing requirements under subsection (b)(1);  
22           and

23           “(6) after a review of assessments conducted  
24           under section 3(b)(1)(B) of the Stop Child Abuse in  
25           Residential Programs for Teens Act of 2011, the

1 Secretary determines the State is appropriately in-  
2 vestigating and responding to allegations of child  
3 abuse and neglect at such covered programs.

4 “(d) OVERSIGHT.—

5 “(1) IN GENERAL.—Beginning two years after  
6 the date of the enactment of the Stop Child Abuse  
7 in Residential Programs for Teens Act of 2011, the  
8 Secretary shall implement a process for continued  
9 monitoring of each State that is determined to be  
10 satisfying the licensing, monitoring, and enforcement  
11 requirements of subsection (b), in accordance with a  
12 determination made pursuant to subsection (c), with  
13 respect to the performance of each such State re-  
14 garding—

15 “(A) preventing child abuse and neglect at  
16 covered programs operating in each such State;  
17 and

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

20 “(2) EVALUATIONS.—The process required  
21 under paragraph (1) shall include in each State, at  
22 a minimum—

23 “(A) an investigation not later than 60  
24 days after receipt by the Secretary of a report  
25 from a State, or a subdivision thereof, of child

1 abuse and neglect at a covered program oper-  
2 ating in the State, and submission of findings  
3 to appropriate law enforcement or other local  
4 entity where necessary, if the report indicates—

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

6 or

7 “(ii) there is evidence of a pattern of  
8 violations of the standards required under  
9 subsection (b)(1) at such program or by an  
10 owner or operator of such program;

11 “(B) an annual review by the Secretary of  
12 cases of reports of child abuse and neglect in-  
13 vestigated at covered programs operating in the  
14 State to assess the State’s performance with re-  
15 spect to the appropriateness of response to and  
16 investigation of reports of child abuse and ne-  
17 glect at covered programs and the appropriate-  
18 ness of legal actions taken against responsible  
19 parties in such cases; and

20 “(C) unannounced site inspections of cov-  
21 ered programs operating in the State to mon-  
22 itor compliance with the standards required  
23 under section 3(a) of the Stop Child Abuse in  
24 Residential Programs for Teens Act of 2011.

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

7                   “(A) the State shall inform the Secretary  
8 of each instance there is a report to be inves-  
9 tigated of child abuse and neglect at a covered  
10 program operating in the State; and

11                   “(B) the Secretary and the appropriate  
12 local agency shall jointly investigate such re-  
13 port.”.

14           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 112(a)(1) of the Child Abuse Prevention and Treatment  
16 Act (42 U.S.C. 5106h(a)(1)) is amended by striking  
17 “\$120,000,000” and all that follows through the period  
18 and inserting “\$235,000,000 for each of fiscal years 2012  
19 through 2016.”.

20           (c) CONFORMING AMENDMENTS.—

21                   (1) COORDINATION WITH AVAILABLE RE-  
22 SOURCES.—Section 103(c)(1)(D) of the Child Abuse  
23 Prevention and Treatment Act (42 U.S.C.  
24 5104(c)(1)(D)) is amended by inserting after “spe-  
25 cific” the following: “(including reports of child

1 abuse and neglect occurring at covered programs  
2 (except that such reports shall not contain any per-  
3 sonally identifiable information relating to the iden-  
4 tity of individuals who were the victims of such child  
5 abuse and neglect), as such term is defined in sec-  
6 tion 114”).

7 (2) FURTHER REQUIREMENT.—Section  
8 106(b)(1) of the Child Abuse Prevention and Treat-  
9 ment Act (42 U.S.C. 5106a(b)(1)) is amended by  
10 adding at the end the following new subparagraph:

11 “(D) FURTHER REQUIREMENT.—To be eli-  
12 gible to receive a grant under this section, a  
13 State shall comply with the requirements under  
14 section 114(b) and shall include in the State  
15 plan submitted pursuant to subparagraph (A) a  
16 description of the activities the State will carry  
17 out to comply with the requirements under such  
18 section 114(b).”.

19 (3) ANNUAL STATE DATA REPORTS.—Section  
20 106(d) of the Child Abuse Prevention and Treat-  
21 ment Act (42 U.S.C. 5106a(d)) is amended—

22 (A) in paragraph (1), by inserting before  
23 the period at the end the following: “(including  
24 reports of child abuse and neglect occurring at  
25 covered programs (except that such reports

1 shall not contain any personally identifiable in-  
2 formation relating to the identity of individuals  
3 who were the victims of such child abuse and  
4 neglect), as such term is defined in section  
5 114)”; and

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

10 (d) CLERICAL AMENDMENT.—Section 1(b) of the  
11 Child Abuse Prevention and Treatment Act (42 U.S.C.  
12 5101 note) is amended by inserting after the item relating  
13 to section 113 the following new item:

“Sec. 114. Additional eligibility requirements for grants to States to prevent  
child abuse and neglect at residential programs.”.

14 **SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED**  
15 **PROGRAMS.**

16 (a) STUDY.—The Secretary of Health and Human  
17 Services shall conduct a study, in consultation with rel-  
18 evant agencies and experts, to examine the outcomes for  
19 children in both private and public covered programs  
20 under this Act encompassing a broad representation of  
21 treatment facilities and geographic regions.

22 (b) REPORT.—The Secretary of Health and Human  
23 Services shall submit to the Committee on Health, Edu-  
24 cation, Labor, and Pensions of the Senate and the Com-

- 1 mittee on Education and the Workforce of the House of
- 2 Representatives a report that contains the results of the
- 3 study conducted under subsection (a).

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