

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5876  
OFFERED BY MR. GEORGE MILLER OF  
CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Child Abuse in  
3 Residential Programs for Teens Act of 2008”.

**4 SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) ASSISTANT SECRETARY.—The term “Assist-  
7 ant Secretary” means the Assistant Secretary for  
8 Children and Families of the Department of Health  
9 and Human Services.

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

12 (3) CHILD ABUSE AND NEGLECT.—The term  
13 “child abuse and neglect” has the meaning given  
14 such term in section 111 of the Child Abuse Preven-  
15 tion and Treatment Act (42 U.S.C. 5106g).

16 (4) COVERED PROGRAM.—

1 (A) IN GENERAL.—The term “covered pro-  
2 gram” means each location of a program not  
3 operated by a governmental entity that, with re-  
4 spect to one or more children who are unrelated  
5 to the owner or operator of the program—

6 (i) provides a residential environment,  
7 such as—

8 (I) a program with a wilderness  
9 or outdoor experience, expedition, or  
10 intervention;

11 (II) a boot camp experience or  
12 other experience designed to simulate  
13 characteristics of basic military train-  
14 ing or correctional regimes;

15 (III) a therapeutic boarding  
16 school; or

17 (IV) a behavioral modification  
18 program; and

19 (ii) operates with a focus on serving  
20 children with—

21 (I) emotional, behavioral, or men-  
22 tal health problems or disorders; or

23 (II) problems with alcohol or sub-  
24 stance abuse.

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

3 (i) a hospital licensed by the State;

4 (ii) a foster family home or group  
5 home that provides 24-hour substitute care  
6 for children place away from their parents  
7 or guardians and for whom the State child  
8 welfare services agency has placement and  
9 care responsibility and that is licensed and  
10 regulated by the State as a foster family  
11 home or group home; or

12 (iii) a psychiatric residential treat-  
13 ment facility that is certified as meeting  
14 the requirements specified in regulations  
15 promulgated for such facilities under sec-  
16 tion 1905(h)(1)(A) of the Social Security  
17 Act and that provides psychiatric services  
18 for which medical assistance is available  
19 under a State plan under title XIX of such  
20 Act.

21 (5) PROTECTION AND ADVOCACY SYSTEM.—The  
22 term “protection and advocacy system” means a  
23 protection and advocacy system established under  
24 section 143 of the Developmental Disabilities Assist-

1           ance and Bill of Rights Act of 2000 (42 U.S.C.  
2           15043).

3           (6) STATE.—The term “State” has the mean-  
4           ing given such term in section 111 of the Child  
5           Abuse Prevention and Treatment Act.

6   **SEC. 3. STANDARDS AND ENFORCEMENT.**

7           (a) MINIMUM STANDARDS.—

8           (1) IN GENERAL.—Not later than 180 days  
9           after the date of the enactment of this Act, the As-  
10          sistant Secretary for Children and Families of the  
11          Department of Health and Human Services shall re-  
12          quire each location of a covered program that indi-  
13          vidually or together with other locations has an ef-  
14          fect on interstate commerce, in order to provide for  
15          the basic health and safety of children at such a pro-  
16          gram, to meet the following minimum standards:

17                   (A) Child abuse and neglect shall be pro-  
18                   hibited.

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

24                   (C) The protection and promotion of the  
25                   right of each child at such a program to be free

1 from physical and mechanical restraints and se-  
2 clusion (as such terms are defined in section  
3 595 of the Public Health Service Act (42  
4 U.S.C. 290jj)) to the same extent and in the  
5 same manner as a non-medical, community-  
6 based facility for children and youth is required  
7 to protect and promote the right of its residents  
8 to be free from such restraints and seclusion  
9 under such section 595, including the prohibi-  
10 tions and limitations described in subsection  
11 (b)(3) of such section.

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

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

23 (F) Each staff member, including volun-  
24 teers, at such a program shall be required, as  
25 a condition of employment, to become familiar

1 with what constitutes child abuse and neglect,  
2 as defined by State law.

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

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

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

1           (J) Each staff member, including volun-  
2           teers, shall be required, as a condition of em-  
3           ployment, to submit to a criminal history check,  
4           including a name-based search of the National  
5           Sex Offender Registry established pursuant to  
6           the Adam Walsh Child Protection and Safety  
7           Act of 2006 (Public Law 109–248; 42 U.S.C.  
8           16901 et seq.), a search of the State criminal  
9           registry or repository in the State in which the  
10          covered program is operating, and a Federal  
11          Bureau of Investigation fingerprint check. An  
12          individual shall be ineligible to serve in a posi-  
13          tion with any contact with children at a covered  
14          program if any such record check reveals a fel-  
15          ony conviction for child abuse or neglect, spous-  
16          al abuse, a crime against children (including  
17          child pornography), or a crime involving vio-  
18          lence, including rape, sexual assault, or homi-  
19          cide, but not including other physical assault or  
20          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 website created by the Assistant Secretary pur-  
5 suant 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 parents or  
18 legal guardians with children at such a program  
19 of any—

20 (i) on-site investigation of a report of  
21 child abuse and neglect;

22 (ii) violation of the health and safety  
23 standards described in this paragraph; and

24 (iii) violation of State licensing stand-  
25 ards developed pursuant to section



1                   114(b)(1) of the Child Abuse Prevention  
2                   and Treatment Act, as added by section 8  
3                   of this Act.

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

8                   (2) REGULATIONS.—

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

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

21                 (C) FINAL REGULATIONS.—Not later than  
22                 90 days after the conclusion of the 90-day pe-  
23                 riod referred to in subparagraph (B) of this  
24                 paragraph, the Assistant Secretary shall pro-

1 mulgate and enforce final regulations to carry  
2 out paragraph (1).

3 (b) MONITORING AND ENFORCEMENT.—

4 (1) INSPECTIONS.—The Assistant Secretary  
5 shall establish a process for conducting unannounced  
6 site inspections of each location of a covered pro-  
7 gram to determine compliance with the standards re-  
8 quired under subsection (a)(1). Such inspections  
9 shall—

10 (A) begin not later than the date on which  
11 the Assistant Secretary promulgates interim  
12 regulations under subsection (a)(2)(A); and

13 (B) be conducted at each location of each  
14 covered program not less often than once every  
15 two years, until such time as the Assistant Sec-  
16 retary has determined a State has appropriate  
17 health and safety licensing requirements, moni-  
18 toring, and enforcement of covered programs in  
19 such State, as determined in accordance with  
20 section 114(c) of the Child Abuse Prevention  
21 and Treatment Act, as added by section 8 of  
22 this Act.

23 (2) ON-GOING REVIEW PROCESS.—Not later  
24 than 180 days after the date of the enactment of  
25 this Act, the Assistant Secretary shall implement an

1 on-going review process for investigating and evalu-  
2 ating reports of child abuse and neglect at covered  
3 programs received by the Assistant Secretary from  
4 the appropriate State, in accordance with section  
5 114(b)(3) of the Child Abuse Prevention and Treat-  
6 ment Act, as added by section 8 of this Act. Such  
7 review process shall—

8 (A) include an investigation to determine if  
9 a violation of the standards required under sub-  
10 section (a)(1) has occurred;

11 (B) include an assessment of the State's  
12 performance with respect to appropriateness of  
13 response to and investigation of reports of child  
14 abuse and neglect at covered programs and ap-  
15 propriateness of legal action against responsible  
16 parties in such cases;

17 (C) be completed not later than 60 days  
18 after receipt by the Assistant Secretary of such  
19 a report;

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

22 (E) be implemented in each State in which  
23 a covered program operates until such time as  
24 each such State has satisfied the requirements  
25 under section 114(e) of the Child Abuse Pre-

1           vention and Treatment Act, as added by section  
2           8 of this Act, as determined by the Assistant  
3           Secretary, or two years has elapsed from the  
4           date that such review process is implemented,  
5           whichever is later.

6           (3) CIVIL PENALTIES.—Not later than 180  
7           days after the date of the enactment of this Act, the  
8           Assistant Secretary shall promulgate regulations es-  
9           tablishing civil penalties for violations of the stand-  
10          ards required under subsection (a)(1). The regula-  
11          tions establishing such penalties shall incorporate  
12          the following:

13                 (A) Any owner or operator of a covered  
14                 program at which the Assistant Secretary has  
15                 found a violation of the standards required  
16                 under subsection (a)(1) may be assessed a civil  
17                 penalty not to exceed \$50,000 per violation.

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

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

24                 (1) Websites made available to the public that  
25                 contains, at a minimum, the following:

1 (A) The name and each location of each  
2 covered program, and the name of each owner  
3 and operator of each such program, operating  
4 in each State, and information regarding—

5 (i) each such program's history of vio-  
6 lations of—

7 (I) regulations promulgated pur-  
8 suant to subsection (a); and

9 (II) section 114(b)(1) of the  
10 Child Abuse Prevention and Treat-  
11 ment Act, as added by section 8 of  
12 this Act;

13 (ii) each such program's current sta-  
14 tus with the State licensing requirements  
15 under section 114(b)(1) of the Child Abuse  
16 Prevention and Treatment Act, as added  
17 by section 8 of this Act;

18 (iii) any deaths that occurred to a  
19 child while under the care of such a pro-  
20 gram, including any such deaths that oc-  
21 curred in the five year period immediately  
22 preceding the date of the enactment of this  
23 Act;

24 (iv) owners or operators of a covered  
25 program that was found to be in violation

1 of the standards required under subsection  
2 (a)(1), or a violation of the licensing stand-  
3 ards developed pursuant to section  
4 114(b)(1) of the Child Abuse Prevention  
5 and Treatment Act, as added by section 8  
6 of this Act, and who subsequently own or  
7 operate another covered program; and

8 (v) any penalties levied under sub-  
9 section (b)(3), any judgments or orders  
10 issued by a court pursuant to section 5,  
11 and any other penalties levied by the State,  
12 against each such program.

13 (B) Information on best practices for help-  
14 ing adolescents with mental health disorders,  
15 conditions, behavioral challenges, or alcohol or  
16 substance abuse, including information to help  
17 families access effective resources in their com-  
18 munities.

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

23 (d) ACTION.—The Assistant Secretary shall establish  
24 a process to—

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

6           (2) immediately notify the State, appropriate  
7           local law enforcement, and the appropriate protec-  
8           tion and advocacy system of any credible complaint  
9           of child abuse and neglect at a covered program re-  
10          ceived by the hotline;

11          (3) investigate any such credible complaint not  
12          later than 30 days after receiving such complaint to  
13          determine if a violation of the standards required  
14          under subsection (a)(1) has occurred; and

15          (4) ensure the collaboration and cooperation of  
16          the hotline established pursuant to subsection (c)(2)  
17          with other appropriate National, State, and regional  
18          hotlines, and, as appropriate and practicable, with  
19          other hotlines that might receive calls about child  
20          abuse and neglect at covered programs.

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

22          If the Assistant Secretary determines that a violation  
23          of subsection (a)(1) of section 3 has not been remedied  
24          through the enforcement process described in subsection  
25          (b)(3) of such section, the Assistant Secretary shall refer

1 such violation to the Attorney General for appropriate ac-  
2 tion. Regardless of whether such a referral has been made,  
3 the Attorney General may, *sua sponte*, file a complaint in  
4 any court of competent jurisdiction seeking equitable relief  
5 or any other relief authorized by this Act for such viola-  
6 tion.

7 **SEC. 5. PRIVATE RIGHT OF ACTION.**

8 (a) MAINTENANCE OF ACTION.—Any person suf-  
9 fering an injury-in-fact traceable to a violation of a regula-  
10 tion promulgated pursuant to section 3(a) may bring suit  
11 or a claim demanding relief.

12 (b) RELIEF.—A court hearing a claim or suit under  
13 subsection (a) may order any appropriate equitable rem-  
14 edy and award damages, including punitive damages and  
15 reasonable attorneys' fees, for a violation of a regulation  
16 promulgated pursuant to section 3(a).

17 (c) LIMITATION.—The provisions of section 7 of the  
18 Civil Rights of Institutionalized Persons Act (42 U.S.C.  
19 1997e) shall not apply to any action brought under this  
20 Act.

21 **SEC. 6. REPORT.**

22 Not later than one year after the date of the enact-  
23 ment of this Act and annually thereafter, the Secretary  
24 of Health and Human Services, in coordination with the  
25 Attorney General shall submit to the Committee on Edu-



1 cation and Labor of the House of Representatives and the  
2 Committee on Health, Education, Labor, and Pensions of  
3 the Senate, a report on the activities carried out by the  
4 Assistant Secretary and the Attorney General under this  
5 Act, including—

6 (1) a description of the number and types of  
7 covered programs inspected by the Assistant Sec-  
8 retary pursuant to section 3(b)(1);

9 (2) a description of types of violations of health  
10 and safety standards found by the Assistant Sec-  
11 retary and any penalties assessed;

12 (3) a summary of findings from on-going re-  
13 views conducted by the Assistant Secretary pursuant  
14 to section 3(b)(2);

15 (4) a summary of State progress in meeting the  
16 requirements of this Act, including the requirements  
17 under section 114 of the Child Abuse Prevention  
18 and Treatment Act, as added by section 8 of this  
19 Act; and

20 (5) a summary of the Secretary's oversight ac-  
21 tivities and findings conducted pursuant to sub-  
22 section (d) of such section 114.

23 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to the Sec-  
25 retary of Health and Human Services \$50,000,000 for

1 each of fiscal years 2009 through 2013 to carry out this  
2 Act (excluding the amendment made by section 8 of this  
3 Act).

4 **SEC. 8. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**  
5 **GRANTS TO STATES TO PREVENT CHILD**  
6 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**  
7 **GRAMS.**

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

11 **“SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR**  
12 **GRANTS TO STATES TO PREVENT CHILD**  
13 **ABUSE AND NEGLECT AT RESIDENTIAL PRO-**  
14 **GRAMS.**

15 “(a) DEFINITIONS.—In this section:

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

18 “(2) COVERED PROGRAM.—

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

24 “(i) provides a residential environ-  
25 ment, such as—

1                   “(I) a program with a wilderness  
2                   or outdoor experience, expedition, or  
3                   intervention;

4                   “(II) a boot camp experience or  
5                   other experience designed to simulate  
6                   characteristics of basic military train-  
7                   ing or correctional regimes;

8                   “(III) a therapeutic boarding  
9                   school; or

10                  “(IV) a behavioral modification  
11                  program; and

12                  “(ii) operates with a focus on serving  
13                  children with—

14                         “(I) emotional, behavioral, or  
15                         mental health problems or disorders;  
16                         or

17                         “(II) problems with alcohol or  
18                         substance abuse.

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

21                         “(i) a hospital licensed by the State;

22                         “(ii) a foster family home or group  
23                         home that provides 24-hour substitute care  
24                         for children place away from their parents  
25                         or guardians and for whom the State child

1 welfare services agency has placement and  
2 care responsibility and that is licensed and  
3 regulated by the State as a foster family  
4 home or group home; or

5 “(iii) a psychiatric residential treat-  
6 ment facility that is certified as meeting  
7 the requirements specified in regulations  
8 promulgated for such facilities under sec-  
9 tion 1905(h)(1)(A) of the Social Security  
10 Act and that provides psychiatric services  
11 for which medical assistance is available  
12 under a State plan under title XIX of such  
13 Act.

14 “(3) PROTECTION AND ADVOCACY SYSTEM.—  
15 The term ‘protection and advocacy system’ means a  
16 protection and advocacy system established under  
17 section 143 of the Developmental Disabilities Assist-  
18 ance and Bill of Rights Act of 2000 (42 U.S.C.  
19 15043).

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

22 “(1) not later than three years after the date  
23 of the enactment of this section, develop policies and  
24 procedures to prevent child abuse and neglect at cov-  
25 ered programs operating in such State, including

1       having in effect health and safety licensing require-  
2       ments applicable to and necessary for the operation  
3       of each location of such covered programs that in-  
4       clude, at a minimum—

5               “(A) standards that meet or exceed the  
6               standards required under section 3(a)(1) of the  
7               Stop Child Abuse in Residential Programs for  
8               Teens Act of 2008;

9               “(B) the provision of essential food, water,  
10              clothing, shelter, and medical care necessary to  
11              maintain physical health, mental health, and  
12              general safety of children at such programs;

13              “(C) policies for emergency medical care  
14              preparedness and response, including minimum  
15              staff training and qualifications for such re-  
16              sponses; and

17              “(D) notification to appropriate staff at  
18              covered programs if their position of employ-  
19              ment meets the definition of mandated reporter,  
20              as defined by the State;

21              “(2) develop policies and procedures to monitor  
22              and enforce compliance with the licensing require-  
23              ments developed in accordance with paragraph (1),  
24              including—

1           “(A) designating an agency to be respon-  
2           sible, in collaboration and consultation with  
3           State agencies providing human services (in-  
4           cluding child protective services, and services to  
5           children with emotional, psychological, develop-  
6           mental, or behavioral dysfunctions, impair-  
7           ments, disorders, or alcohol or substance  
8           abuse), State law enforcement officials, the ap-  
9           propriate protection and advocacy system, and  
10          courts of competent jurisdiction, for monitoring  
11          and enforcing such compliance;

12          “(B) a State licensing application process  
13          through which any individual seeking to operate  
14          a covered program would be required to disclose  
15          all previous substantiated reports of child abuse  
16          and neglect and all child deaths at any busi-  
17          nesses previously or currently owned or oper-  
18          ated by such individual;

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

22          “(D) creating a database, to be integrated  
23          with the annual State data reports required  
24          under section 106(d), of reports of child abuse

1           and neglect at covered programs operating in  
2           the State; and

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

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

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

1           “(A) the State determines there is evidence  
2 of a pattern of violations of the standards re-  
3 quired under paragraph (1) at a covered pro-  
4 gram operating in the State or by an owner or  
5 operator of such a program; or

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

8           “(5) develop policies and procedures for estab-  
9 lishing and maintaining a publicly available database  
10 of all covered programs operating in the State, in-  
11 cluding the name and each location of each such  
12 program and the name of the owner and operator of  
13 each such program, information on reports of child  
14 abuse and neglect at such programs, violations of  
15 standards required under paragraph (1), and all  
16 penalties levied against such programs;

17           “(6) annually submit to the Secretary a report  
18 that includes—

19           “(A) the name and each location of all cov-  
20 ered programs, including the names of the own-  
21 ers and operators of such programs, operating  
22 in the State, and any violations of State licens-  
23 ing requirements developed pursuant to sub-  
24 section (b)(1); and



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

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

16          “(c) SECRETARIAL DETERMINATION.—The Secretary  
17          shall not determine that a State’s licensing requirements,  
18          monitoring, and enforcement of covered programs oper-  
19          ating in the State satisfy the requirements of this sub-  
20          section (b) unless—

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

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

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

7           “(4) the State creates a database of such cov-  
8           ered programs, to include information on reports of  
9           child abuse and neglect at such programs;

10          “(5) the State implements a policy of graduated  
11          sanctions, including fines and suspension and rev-  
12          ocation of licenses against such covered programs  
13          that are out of compliance with the health and safe-  
14          ty licensing requirements under subsection (b)(1);  
15          and

16          “(6) after a review of assessments conducted  
17          under section 3(b)(2)(B) of the Stop Child Abuse in  
18          Residential Programs for Teens Act of 2008, the  
19          Secretary determines the State is appropriately in-  
20          vestigating and responding to allegations of child  
21          abuse and neglect at such covered programs.

22          “(d) OVERSIGHT.—

23                 “(1) IN GENERAL.—Beginning two years after  
24                 the date of the enactment of the Stop Child Abuse  
25                 in Residential Programs for Teens Act of 2008, the

1 Secretary shall implement a process for continued  
2 monitoring of each State that is determined to be  
3 satisfying the licensing, monitoring, and enforcement  
4 requirements of subsection (b), in accordance with a  
5 determination made pursuant to subsection (c), with  
6 respect to the performance of each such State re-  
7 garding—

8 “(A) preventing child abuse and neglect at  
9 covered programs operating in each such State;  
10 and

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

13 “(2) EVALUATIONS.—The process required  
14 under paragraph (1) shall include in each State, at  
15 a minimum—

16 “(A) an investigation not later than 60  
17 days after receipt by the Secretary of a report  
18 from a State, or a subdivision thereof, of child  
19 abuse and neglect at a covered program oper-  
20 ating in the State, and submission of findings  
21 to appropriate law enforcement or other local  
22 entity where necessary, if the report indicates—

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

24 or

1                   “(ii) there is evidence of a pattern of  
2                   violations of the standards required under  
3                   subsection (b)(1) at such program or by an  
4                   owner or operator of such program;

5                   “(B) annually, a random sample of review  
6                   of cases of reports of child abuse and neglect  
7                   investigated at covered programs operating in  
8                   the State to assess the State’s performance  
9                   with respect to the appropriateness of response  
10                  to and investigation of reports of child abuse  
11                  and neglect at covered programs and the appro-  
12                  priateness of legal actions taken against respon-  
13                  sible parties in such cases; and

14                  “(C) unannounced site inspections of cov-  
15                  ered programs operating in the State to mon-  
16                  itor compliance with the standards required  
17                  under section 3(a) of the Stop Child Abuse in  
18                  Residential Programs for Teens Act of 2008.

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

1           “(A) the State shall inform the Secretary  
2           of each instance there is a report to be inves-  
3           tigated of child abuse and neglect at a covered  
4           program operating in the State; and

5           “(B) the Secretary and the appropriate  
6           local agency shall jointly investigate such re-  
7           port.”.

8           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
9   112 of the Child Abuse Prevention and Treatment Act (42  
10  U.S.C. 5106h) is amended by inserting before the period  
11  at the end the following: “, and \$200,000,000 for each  
12  of fiscal years 2009 through 2013”.

13          (c) CONFORMING AMENDMENTS.—

14           (1) COORDINATION WITH AVAILABLE RE-  
15          SOURCES.—Section 103(c)(1)(D) of the Child Abuse  
16          Prevention and Treatment Act (42 U.S.C.  
17          5104(c)(1)(D)) is amended by inserting after “spe-  
18          cific” the following: “(including reports of child  
19          abuse and neglect occurring at covered programs, as  
20          such term is defined in section 114)”.

21           (2) FURTHER REQUIREMENT.—Section  
22          106(b)(1) of the Child Abuse Prevention and Treat-  
23          ment Act (42 U.S.C. 5106a(b)(1)) is amended by  
24          adding at the end the following new subparagraph:

1           “(C) FURTHER REQUIREMENT.—To be eli-  
2           gible to receive a grant under this section, a  
3           State shall comply with the requirements under  
4           section 114(b) and shall include in the State  
5           plan submitted pursuant to subparagraph (A) a  
6           description of the activities the State will carry  
7           out to comply with the requirements under such  
8           section 114(b).”.

9           (3) ANNUAL STATE DATA REPORTS.—Section  
10          106(d) of the Child Abuse Prevention and Treat-  
11          ment Act (42 U.S.C. 5106a(d)) is amended—

12                 (A) in paragraph (1), by inserting before  
13                 the period at the end the following: “(including  
14                 reports of child abuse and neglect occurring at  
15                 covered programs, as such term is defined in  
16                 section 114)”; and

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

21          (d) CLERICAL AMENDMENT.—Section 1(b) of the  
22          Child Abuse Prevention and Treatment Act (42 U.S.C.  
23          5101 note) is amended by inserting after the item relating  
24          to section 113 the following new item:

“Sec. 114. Additional eligibility requirements for grants to States for child abuse and neglect prevention and treatment programs.”.

