



**Strengthening Families and Protecting Children:
Recommendations for the reauthorization of the Child Abuse Prevention and Treatment Act**

The Child Abuse Prevention and Treatment Act (CAPTA) represents a cornerstone of our nation’s system for both preventing and responding to incidents of child abuse and neglect. First created in 1974, CAPTA reflects the entire continuum of supports to children, parents, and families, from the primary prevention strategies at the heart of Title II (Community-Based Child Abuse Prevention grants) to the response, identification, and treatment of abuse and neglect in Title I (state grants). Through CAPTA reauthorization, the 117th Congress has an extraordinary opportunity to both strengthen community-based supports to families to prevent child abuse and neglect – shrinking the child welfare system wherever safely possible – and strengthen our nation’s response to reports of abuse and neglect to keep children safe and prevent abuse and neglect fatalities.

The National Child Abuse Coalition, a collection of twenty-four national organizations committed to the prevention and treatment of child abuse and neglect, respectfully offers these recommendations, which build upon those submitted in 2018, as Congress finishes its work on CAPTA reauthorization.

Our policy recommendations are guided by the following principles:

- **Reforms must advance equity.** For too long, the child protection system has over-surveilled families and children of color. Native American and Black families are more likely to be reported and investigated for child abuse and neglect, more likely to have their cases substantiated, and more likely to have their children removed from their care than white families, despite studies that indicate the occurrence of child maltreatment is no greater for Native American and Black families than it is for white families. Reforms to CAPTA must be aimed at eliminating individual and systemic racism as well as promoting racial equity by minimizing system involvement whenever possible and strengthening community-based supports to families. A greater emphasis on primary prevention that strengthens families instead of a strong reliance on intervention that surveils families is foundational to this goal, which is one reason further development of CBCAP is essential. CBCAP-funded programs are developed by and for diverse communities. This allows them to have a high level of trust with families, including Black, Indigenous, and families of color, who often experience institutional biases of race, class, and gender when seeking help that results in traumatizing, blaming, and shaming and unnecessary child welfare system involvement.
- **Prevention should be community-based.** Healthy and strong families are the key to preventing child abuse and neglect. While it is important to maintain an effective child protection services system, our nation will be best served by a new commitment to support and strengthen families well before they reach a point of crisis. Reforms to CAPTA must reflect a renewed emphasis on primary prevention and provide flexibility and accountability for communities to build community-driven comprehensive supports for families. The Centers for Disease Control’s *Essentials for Childhood Framework* is a helpful resource when considering models for a community-based approach.

- **Prevention and treatment efforts must help families heal from trauma.** Trauma, adverse childhood experiences, and toxic stress are drivers of child welfare system involvement and its intergenerational nature. To meet the needs of families and children who are at risk of or have experienced abuse and neglect, services must be trauma-informed and address trauma experienced by parents and other caregivers as well as by children.
- **Eliminating deaths and serious injuries from child abuse and neglect is achievable.** A child dies from abuse or neglect every five hours in America. Over 70% of these victims are infants and toddlers under age 3. We simply aren't doing enough to eliminate these preventable tragedies. Yet at the same time, our systems lead to thousands of families needlessly experiencing the disruption of CPS interaction each year, often due to systemic inequity and the confusion of poverty with neglect. These problems are two sides of the same coin: our system is not calibrated to the actual risks and thus both over- and under- reacts to the needs of children and families. With investments better aligned with the needs of families and the statutory obligations of states, improved data coordinated in real time between agencies, and greater accountability and transparency, child protection systems can better identify and respond to high-risk cases and prevent these tragic deaths.
- **Research and data are central to a public health approach.** More transparency, use of data, and significant expansion of high-priority research and evaluation is needed to develop and implement equitable, community- and evidence-based interventions that appropriately and effectively prevent and respond to child maltreatment. Federal efforts in this area are essential to helping build the field's understanding of what works to improve outcomes for children and families before, during, and after child welfare system involvement.
- **Significant additional resources are necessary for CAPTA to be effective.** The objectives of CAPTA and a strong coordinated public health approach to child maltreatment prevention, as recommended by the CDC and Department of Health and Human Services, cannot be achieved with the current funding provided in CAPTA. More money is critical to ensure that states can carry out the mandates currently required in CAPTA while also moving towards a new vision of child protection that supports families well before system involvement and preventing child abuse and neglect from occurring. Moreover, any new requirements for states must include significant funding increases.

Policy Recommendations

1. Substantially increase funding for both titles in CAPTA

An updated CAPTA must include significant funding increases in order to provide states and communities the resources to implement community-based solutions. We recommend that Congress authorize and appropriate \$500 million for Title I and \$750 million for Title II in the first year of reauthorization, ramping up to \$1 billion for Title I and \$1.5 billion for Title II over 5 years.

Title I: These state formula grants support state child welfare systems and practices, with a particular focus on the response, prevention, intervention, and treatment of child abuse and neglect. Substantial resources for Title I are necessary to align the cost of implementation of the systems and protections Congress has long mandated through this law. This is why the Congressionally commissioned National

Commission to Eliminate Child Abuse and Neglect Fatalities recognized the fundamental role CAPTA plays in our national system to support families and keep children safe and how its chronic underfunding has compromised child safety. In 2016, the Commission recommended CAPTA Title I appropriations increase to \$1 billion each year. Investigative exposés have repeatedly demonstrated that these grants are too meager for states to even come close to meeting the law’s provisions.

Title II: The Community-Based Child Abuse Prevention grants (CBCAP) that comprise Title II help support community-driven, evidence-based services that strengthen families, improve child well-being, and prevent child maltreatment in all fifty states. These grants are carried out by robust public-private partnerships that use federal funding to leverage greater state and local public and private funds and are designed to meet the specific needs of individual communities. Expanding this program would be transformational for communities and families and could increase leverage to bring other community programs and partners to the table to prevent child abuse and neglect. Robust funding for locally-driven services is essential to building healthy and thriving communities as well as shifting from a racially biased family surveillance system to a more equitable family support system.

2. Reduce racial discrimination in the child welfare system

Solving the problem of disproportionality or racial inequity in the child welfare systems requires a comprehensive approach both within child welfare as well as changes beyond this system, but CAPTA is an appropriate law to drive some important reform. The Coalition recommends a series of changes during reauthorization to reduce systemic racism in child welfare and move towards a more equitable system.

First, a stronger emphasis on primary prevention – as encompassed by CBCAP – is essential because it expands the availability of family strengthening services without the stigma of child welfare. We must reduce government surveillance of families when it is not necessary to child, parent, and family well-being. Second, states must take steps to eliminate racial bias, discrimination, and disproportionality in child welfare and describe these efforts in their Title I state plans, documenting progress through metrics and holding themselves accountable for reducing structural bias and inequity. As part of that effort, states should also be taking steps to ensure that reports concerning a child’s living arrangements or subsistence needs are addressed through services or benefits and that no child is separated from their parents for reasons of poverty. States should also describe the steps they are taking to implement systems of differential or alternative response that connect families to community support services where possible instead of system involvement. Also as part of this effort, states should describe their support of alternative pathways to community systems and programs that assist families seeking support and that mandatory reporters or other concerned adults can refer families for needed supports outside of child protection systems that they can access on a voluntary basis rather than reporting them for investigation by the child protection system. CAPTA state grants may be used to implement these types of systems reforms. Third, as noted elsewhere in this document, we recommend that some of CAPTA’s research, technical assistance, and demonstration grant dollars be directed toward reducing racial disparities in this system. Those efforts should include consideration of the definition of the term “child neglect” and developing and disseminating best practices for reducing racial disparities at every point of contact within the system. Technical assistance, research, and innovation grants should also include support for driving alternative pathways to community systems and programs that assist families seeking support and that mandatory reporters or other concerned adults can refer families for needed supports outside of child protection systems.

3. Strengthen the Community-Based Child Abuse Prevention program grants (Title II) to build equitable robust state and local systems that support evidence-based, community-driven services and networks that strengthen families, prevent child maltreatment, avoid child welfare system involvement, and improve the well-being of children, parents, and families

The Coalition recommends Congress amend Title II to recommit to family well-being and to the prevention of child abuse and neglect by building comprehensive and coordinated state- and community-level systems and services that strengthen and support families, integrate evidence-based protective factors, strengthen the role of parents in community-driven services, emphasize the value of family strengthening networks thereby improving child, parent, and family well-being, and mitigating the challenges and stressors many families face. CBCAP programs partner with diverse families to build on their strengths, address individual and systemic challenges they may face, and be engaged in taking responsibility for and developing leadership in their communities. This focus helps empower communities to support parents and families before they ever reach a crisis point and before a child is harmed. This will drive more equitable community systems that rely less on investigations, surveillance, and compliance, and more on building systems of supports for families to bolster resilience and help them thrive. Such a transformation will need robust funding to succeed.

To do this, the Coalition recommends Title II be amended to promote:

- **Family strengthening systems and services that help families build protective factors:** A primary goal of CBCAP should be to develop and support family strengthening systems and services that help families build protective factors linked with the promotion of child, parent and family well-being and the prevention of child abuse and neglect, including: knowledge of parenting and healthy child development, parental resilience, social connections, concrete support in times of need, and the social and emotional development of children. The purpose statement should be amended to reflect this foundational principle and embedded throughout the title to ensure the centrality of this core evidence-based approach to the services and systems in this grant program.
- **Systems building:** Title II must go beyond funding individual programs and focus on helping states and communities build coordinated, inclusive, and robust systems and networks of supportive resources for children and families that build protective factors.
- **Increased availability of comprehensive services:** Title II must ensure equitable access to a comprehensive continuum of quality family strengthening services, initiatives, and activities that are provided in a coordinated systemic manner.
- **Increased accessibility of services:** To help families before a crisis point where the child protection system becomes involved, communities need to provide families with multiple strategic and welcoming access points within communities to help families identify their needs, build on their strengths, and connect them to the services and supports that are relevant to their diverse needs and interests. The availability of services is crucial, but services must also be accessible to families including those who must overcome transportation, perceived stigma, and other barriers that prevent families from accessing services.
- **Meaningful ongoing parent engagement and partnership:** The Coalition recommends the state CBCAP lead agency and local systems partner with parents in planning, implementation, oversight, and evaluation of systems of support to help ensure that the funds expended, and the work conducted, are most relevant and valuable to those who need and use them. This also helps ensure that communities provide services that are community-driven and designed to

meet the needs of all children, parents and families, including specifically families of color, with the end result that all families receive the supports they need.

- **Fair and flexible payments to states:** The Coalition recommends striking Section 203(b)(1)(B) so that 100% of CBCAP funds are distributed to states based on relative child population. The current formula structure has created an onerous bureaucracy for states that generally does not serve the intended purpose and can penalize states that might benefit the most from the grants. In addition, Section 204(4) should be amended to allow in-kind contributions. States are struggling to meet this requirement because of the advent of the Family First Prevention Services Act and the need to provide matching funds for that work. This will help ensure that we do not pit families needing primary prevention against families needing secondary and tertiary prevention.

4. Improve transparency and accountability in long-required state child welfare practices and systems

The Coalition strongly recommends Congress move away from relying only on “assurances” in the CAPTA state plan. This aspect of current law has allowed states to disregard many of the key reforms and priorities Congress has included to promote reform, and as a result have been ignored or weakly implemented. Changing this status quo is essential for better prevention, intervention, and treatment of child abuse and neglect.

Therefore, the Coalition urges Congress to require the state plans under Section 106(b) to also include descriptions of state efforts to effectively address the some of the requirements in the law. This reform would bring transparency and accountability that has been completely lacking in CAPTA and has permitted decades of Congressional reforms to go largely unanswered. It is particularly important for state plans to include descriptions for the following provisions (as currently numbered in law): B(ii), (vii), (x), (xi), (xii), (xx), (xxi), (xxiii), (xxiv), (xxv), and D(i), (iii), (iv), (v), (vi).

In addition, the Coalition urges Congress to push states to develop a strategic plan for community-based prevention-focused approaches designed to strengthen and support families to prevent child abuse and neglect. CAPTA needs to better prioritize steps that communities can take to strengthen and support families instead of intervening only after a child has been harmed.

The Coalition also urges the Congress to move states toward addressing racial discrimination and bias in its child protection systems through Section 106(b), as described earlier in this document.

The Coalition also urges Section 106(b) be amended to clarify that children’s exposure to domestic violence does not inherently constitute failure to protect or neglect by a parent who is a survivor of domestic violence.

In regard to Section 106(b)(2)(B)(xiii), the Coalition recommends CAPTA be updated to conform with changes made in the Fostering Connections Act that ensure that children and youth in extended foster care receive continued court oversight and representation throughout their time in care.

Finally, the Coalition recommends targeted revisions to the plan of safe care requirements in section 106 to ensure that more families affected by substance use during pregnancy are connected to needed treatment services and other supports without the threat of being unnecessarily reported to and investigated by child protective services.

5. Refocus the use of state grant funds to improve the response and intervention of the child protection system

The current language in 106(a) is too wide-ranging to drive effective practices and systems and should be replaced with a cohesive focus on a child protection system that is oriented toward family-focused practices, able to provide rapid response in high-risk cases, and integrates multidisciplinary approaches that include community services. This cohesive systems approach should direct funds to help states in their efforts to prevent, treat, and intervene in child abuse and neglect, and should include:

- A rapid response approach for high-risk cases, with special attention to cases involving children under the age of 3.
- A method for differential response that promotes best practice and promotes the availability of alternative pathways for help and support for families.
- A community network of child and family services that builds collaboration between child protection systems and other agencies and services, including those that address family-strengthening, parenting skills and knowledge of healthy child development, public health, mental health, substance abuse treatment, domestic violence, developmental disabilities, juvenile justice, early care and education, elementary and secondary education, and state-contracted child-placing agencies, in the community to promote comprehensive prevention and treatment systems of care, with trauma-informed therapy and services, that support child, parent, and family well-being.
- Training for caseworkers, community service providers, attorneys, parents, and others engaged in the prevention, intervention, and treatment of child abuse and neglect.
- Data systems that facilitate identification of cases requiring prompt responses, including creating systems of data sharing with law enforcement; and real-time case monitoring at the caseworker, agency, and state levels to track assessments, service referrals, follow-up, case reviews and progress toward parent and child goals.

6. Reduce fatalities and near fatalities from child abuse and neglect by implementing some key recommendations from the Commission to Eliminate Child Abuse and Neglect Fatalities

Ending child abuse and neglect fatalities cannot be addressed in CAPTA alone, but there are four critical fatality prevention measures steps that should be taken in CAPTA reauthorization.

First, the Coalition recommends a uniform definition for child abuse and neglect fatalities and near fatalities be adopted at least for the purposes of NCANDS and relevant Title I provisions. Poor data at the state and local levels has interfered with states being able to evaluate their own efforts and institute meaningful reforms based on deficiencies and challenges particular to that state. Without comprehensive data from multiple sources, state and federal efforts to reduce fatalities and near fatalities will always be significantly hampered. Once this definition is adopted, this state data should be added to the state annual data reports in Section 106(d).

Second, the Coalition recommends that Title I state plans be amended to require states to describe how they will use their data on fatalities and near fatalities from child abuse to prevent future occurrences, consistent with the Family First Prevention Services Act data-driven fatality prevention plans. This will drive improved practices, greater transparency, and facilitate better understanding of the steps states are taking to reduce deaths and near-deaths.

Third, the Coalition recommends the rules about disclosure in Section 106(b)(2)(B)(x) be strengthened to reflect the HHS child welfare policy manual's explanation of public data reporting requirements related to child fatalities and near fatalities. States should be clear that fatality disclosure is not voluntary but mandatory in all but a few limited circumstances. Many states are out of compliance with fatality disclosure requirements due to existing weak statutory language and confusion regarding NCANDS voluntary status around other reporting requirements). They also often do not follow key disclosure rules about fatalities, which makes it difficult for communities to hold their local governments appropriately accountable for fatalities and near fatalities from child abuse and neglect.

Fourth, the Coalition recommends the importance of rapid response investigations for cases involving children under the age of three be emphasized in state use of funds. Infants and toddlers are at the highest risk of an abuse or neglect fatality and require special attention.

7. Build the evidence base to help states and communities implement best practices that improve child, parent, and family well-being

Congress can also help to build the evidence base for community-level prevention by funding research that provides information about evidence-based and evidence-informed programs that support families and reduce child maltreatment. This must also include a strong technical assistance component to work with localities interested in building, implementing, or adapting programs to serve their communities. Funding for these activities would support the development of further evidence-based interventions to prevent child maltreatment and more effectively intervene with trauma informed services.

The Coalition recommends Sections 104 and 105 be streamlined to focus on a smaller number of pressing issues in the field. This more intensive focus will allow better progress in building and implementing evidence-based services and systems as opposed to a long and less targeted approach to technical assistance, research, demonstration grants, and general grants. Specifically, the Coalition recommends these sections focus on: (1) building and disseminating best practices on prevention so that child and family well-being is strengthened before a family ever reaches a crisis stage; (2) promoting best practices for families with complex needs, such as domestic violence, substance abuse, mental health issues, and children and parents who have experienced significant trauma and adverse experiences, and; (3) reducing racial disparities in child welfare systems and the systems that routinely interact with child welfare, such as law enforcement, education, and health systems. The Coalition believes that research must also examine whether and what types of family involvement in the child welfare system leads to improved child and family well-being, and similarly focused demonstration grants would be particularly useful to advancing better practices. In addition, the workforce is essential to effective services, the Coalition recommends additional demonstration grants to improve the child welfare and prevention workforce.

Finally, the Coalition recommends authorizing language for a grant to a non-profit to operate a national hotline be added to CAPTA discretionary funding. The hotline should provide information and assistance to youth victims of child abuse, neglect, and maltreatment, parents, caregivers, mandated reporters, and other concerned community members. The hotline must also operate alternative modalities for communications with victims and other information seekers, such as texting or chat services.

8. Reduce the incidence of child sexual abuse through improved prevention and identification within youth-serving organizations

In the past several years, public attention has been focused on high profile incidents of child and adolescent sexual abuse that were enabled by the inaction or indifference of organizations that failed to act to protect these victims. An approach to addressing child sexual abuse that stretches beyond CAPTA is critical. We call on Congress to act through a range of federal statutes and programs, withdraw federal program funding, and/or enact financial penalties including potential loss of non-profit status to organizations that fail to implement best practices for child safety and child sexual abuse prevention and/or fail to intervene or report to the appropriate authorities when sexual abuse is known or suspected.

CAPTA already sets some basic requirements for state child abuse laws, but more must be done to improve prevention and identification of child sexual abuse. We recommend supporting innovation or demonstration grants for research-based child sexual abuse prevention in schools and youth-serving organizations, which should include both parent/adult-focused instructional programs as well as teaching children safety skills and be consistent with the forthcoming CDC guidelines *Preventing Child Sexual Abuse within Youth-Serving Organizations: Getting Started on Policies and Procedures*. In addition, we recommend that states ensure mandated reporters receive profession- and institution-specific training on the proper procedures to identify and report child abuse, child sexual abuse and neglect.

Note that child abuse, including child sexual abuse, enabled by youth serving organizations is abuse or sexual abuse as defined by state and local statute or code occurring while a child is participating in activities sponsored by an organization, and/or sexual abuse perpetrated by staff or a volunteer of that organization in any other context, and/or the failure of an organization to report to the appropriate authorities when potential abuse is known or suspected. Youth serving organizations include organizations that are voluntary, for-profit and non-profit organizations, houses of worship, faith-based organizations, universities, schools, child care centers, associations, sports leagues, or any other such environment where adults over age 18 are providing education, coaching, mentoring or other services to minors.

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