

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2961

To reauthorize subtitle A of the Victims of Child Abuse
Act of 1990.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Victims of Child Abuse
5 Act Reauthorization Act of 2018”.

6 **SEC. 2. REAUTHORIZATION.**

7 (a) FINDINGS.—Section 211 of the Victims of Child
8 Abuse Act of 1990 (34 U.S.C. 20301) is amended—

9 (1) in paragraph (1), by striking “2,000,000”
10 and inserting “3,300,000”;

11 (2) in paragraph (6)—

1 (A) by inserting “improve positive out-
2 comes for the child,” before “and increase”;
3 and

4 (B) by striking “; and” and inserting a
5 semicolon;

6 (3) in paragraph (7), by striking “could be du-
7 plicated in many jurisdictions throughout the coun-
8 try.” and inserting “have expanded dramatically
9 throughout the United States; and”; and

10 (4) by adding at the end the following:

11 “(8) State chapters of children’s advocacy cen-
12 ter networks are needed to—

13 “(A) assist local communities in coordi-
14 nating their multidisciplinary child abuse inves-
15 tigation, prosecution, and intervention services;
16 and

17 “(B) provide oversight of, and training and
18 technical assistance in, the effective delivery of
19 evidence-informed programming.”.

20 (b) DEFINITIONS.—Section 212 of the Victims of
21 Child Abuse Act of 1990 (34 U.S.C. 20302) is amended—

22 (1) by striking paragraphs (3) and (6);

23 (2) by redesignating paragraphs (4), (5), (7),
24 (8), and (9) as paragraphs (3), (4), (5), (6), and
25 (7), respectively;

1 (3) in paragraph (6), as so redesignated, by
2 striking “and” at the end;

3 (4) in paragraph (7), as so redesignated, by
4 striking the period at the end and inserting “; and”;
5 and

6 (5) by adding at the end the following:

7 “(8) the term ‘State chapter’ means a member-
8 ship organization that provides technical assistance,
9 training, coordination, grant administration, over-
10 sight, and support to local children’s advocacy cen-
11 ters, multidisciplinary teams, and communities work-
12 ing to implement a multidisciplinary response to
13 child abuse in the provision of evidence-informed ini-
14 tiatives, including mental health counseling, forensic
15 interviewing, multidisciplinary team coordination,
16 and victim advocacy.”.

17 (c) REGIONAL CHILDREN’S ADVOCACY CENTERS.—
18 Section 213 of the Victims of Child Abuse Act of 1990
19 (34 U.S.C. 20303) is amended—

20 (1) in subsection (a)—

21 (A) in the matter preceding paragraph (1),
22 by striking “with the Director and”

23 (B) by striking paragraph (2);

24 (C) by redesignating paragraphs (3) and
25 (4) as paragraphs (2) and (3), respectively;

1 (D) in paragraph (2), as so redesignated,
2 by striking “and” at the end;

3 (E) in paragraph (3), as so redesignated—

4 (i) by inserting after “mental health
5 care professionals” the following: “, law
6 enforcement officers, child protective serv-
7 ice workers, forensic interviewers, prosecu-
8 tors, and victim advocates,”;

9 (ii) by striking “medical” each place
10 that term appears; and

11 (iii) by striking the period at the end
12 and inserting “; and”; and

13 (F) by adding at the end the following:

14 “(4) collaborate with State chapters to provide
15 training, technical assistance, coordination, and
16 oversight to—

17 “(A) local children’s advocacy centers; and

18 “(B) communities that want to develop
19 local children’s advocacy centers.”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “, in coordination
24 with the Director,”;

1 (ii) in subparagraph (A), by inserting
2 “and” at the end;

3 (iii) in subparagraph (B), by striking
4 “the prevention, judicial handling, and
5 treatment of child abuse and neglect; and”
6 and inserting “multidisciplinary team in-
7 vestigation, trauma-informed interventions,
8 and evidence-informed treatment.”; and

9 (iv) by striking subparagraph (C); and
10 (B) in paragraph (2)—

11 (i) in subparagraph (A)—

12 (I) in the matter preceding clause
13 (i), by striking “communities” and in-
14 serting “communities, local children’s
15 advocacy centers, multidisciplinary
16 teams, and State chapters”;

17 (II) in clause (i), by inserting
18 “and expanding” after “developing”;

19 (III) by redesignating clauses (ii)
20 through (x) as clauses (iii) through
21 (xi), respectively;

22 (IV) by inserting after clause (i)
23 the following:

24 “(ii) in promoting the effective deliv-
25 ery of the evidence-informed Children’s Ad-

1 vocacy Model and the multidisciplinary re-
2 sponse to child abuse, including best prac-
3 tices in—

4 “(I) organizational support and
5 development;

6 “(II) programmatic evaluation;
7 and

8 “(III) financial oversight of Fed-
9 eral funding;”;

10 (V) in clause (iii), as so redesign-
11 nated, by striking “a freestanding fa-
12 cility where interviews of and services
13 for abused children can be provided”
14 and inserting “child-friendly facilities
15 for the investigation of, assessment of,
16 and intervention in abuse”; and

17 (VI) in clause (iv), as so redesign-
18 nated, by striking “multiple” and in-
19 serting “duplicative”; and

20 (ii) in subparagraph (B), by inserting
21 “and interested communities” after “advo-
22 cacy centers”;

23 (3) in subsection (c)—

1 (A) in paragraph (2)(C), by striking “re-
2 medial counseling to” and inserting “evidence-
3 informed services for”;

4 (B) in paragraph (3)(A)(ii), by striking
5 “multidisciplinary child abuse program” and in-
6 serting “children’s advocacy center”; and

7 (C) in paragraph (4)(B)—

8 (i) in the matter preceding clause (i),
9 by striking “, in coordination with the Di-
10 rector,”;

11 (ii) by striking clause (iii); and

12 (iii) by redesignating clauses (iv) and
13 (v) as clauses (iii) and (iv), respectively;

14 (4) in subsection (d)—

15 (A) in paragraph (1), by striking “, in co-
16 ordination with the Director,”;

17 (B) in paragraph (2), in the matter pre-
18 ceding subparagraph (A), by striking “and the
19 Director”; and

20 (C) in paragraph (3), by striking “DIS-
21 CONTINUATION OF FUNDING.—” and all that
22 follows through “Upon discontinuation” and in-
23 serting the following: “DISCONTINUATION OF
24 FUNDING.—Upon discontinuation”; and

25 (5) by striking subsections (e) and (f).

1 (d) LOCAL CHILDREN’S ADVOCACY CENTERS.—Sec-
2 tion 214 of the Victims of Child Abuse Act of 1990 (34
3 U.S.C. 20304) is amended—

4 (1) by striking subsection (a) and inserting the
5 following:

6 “(a) IN GENERAL.—The Administrator, in coordina-
7 tion with the Director of the Office of Victims of Crime,
8 shall make grants to—

9 “(1) develop and enhance multidisciplinary
10 child abuse investigations, intervention, and prosecu-
11 tion; and

12 “(2) promote the effective delivery of the evi-
13 dence-informed Children’s Advocacy Model and the
14 multidisciplinary response to child abuse, including
15 best practices in programmatic evaluation and finan-
16 cial oversight of Federal funding.”;

17 (2) in subsection (b)—

18 (A) in the subsection heading, by inserting
19 “HUMAN TRAFFICKING AND” before “CHILD
20 PORNOGRAPHY”;

21 (B) by striking “with the Director and”;
22 and

23 (C) by inserting “human trafficking and”
24 before “child pornography”;

25 (3) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) by striking “Director” and insert-
3 ing “Administrator”; and

4 (ii) by striking “this section” and in-
5 serting “subsections (a) and (b)”; and

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by striking
8 “social service” and inserting “child pro-
9 tective service”;

10 (ii) in subparagraph (B), by striking
11 “the ‘counseling center’” and inserting “a
12 ‘children’s advocacy center’”;

13 (iii) in subparagraph (C), by striking
14 “sexual and serious physical abuse and ne-
15 glect cases to the counseling center” and
16 inserting “child abuse cases that meet des-
17 ignated referral criteria to the children’s
18 advocacy center”;

19 (iv) in subparagraph (D)—

20 (I) by striking “investigative”
21 and inserting “forensic”; and

22 (II) by striking “social service”
23 and inserting “child protective serv-
24 ice”;

25 (v) by striking subparagraph (E);

1 (vi) by redesignating subparagraphs
2 (F) through (J) as subparagraphs (E)
3 through (I), respectively;

4 (vii) in subparagraph (E), as so reded-
5 igned, by striking “counseling center”
6 and inserting “children’s advocacy center
7 or an agency with which there is a linkage
8 agreement regarding the delivery of multi-
9 disciplinary child abuse investigation, pros-
10 ecution, and intervention services”;

11 (viii) in subparagraph (F), as so reded-
12 igned, by striking “minimize the
13 number of interviews that a child victim
14 must attend” and inserting “eliminate du-
15 plicative forensic interviews with a child
16 victim”;

17 (ix) in subparagraph (G), as so reded-
18 igned, by striking “multidisciplinary pro-
19 gram” and inserting “children’s advocacy
20 center”;

21 (x) in subparagraph (H), as so reded-
22 igned, by inserting “intervention and”
23 before “judicial proceedings”; and

1 (xi) in subparagraph (I), as so reded-
2 ignated, by striking “Director” and insert-
3 ing “Administrator”;

4 (4) in subsection (d)—

5 (A) by striking “the Director” and insert-
6 ing “the Administrator”; and

7 (B) by striking “both large and small
8 States” and inserting “all States that are eligi-
9 ble for such grants, including large and small
10 States,”; and

11 (5) by adding at the end the following:

12 “(f) GRANTS TO STATE CHAPTERS FOR ASSISTANCE
13 TO LOCAL CHILDREN’S ADVOCACY CENTERS.—In award-
14 ing grants under this section, the Administrator shall en-
15 sure that a portion of the grants is distributed to State
16 chapters to enable State chapters to provide technical as-
17 sistance, training, coordination, and oversight to other re-
18 cipients of grants under this section in providing evidence-
19 informed initiatives, including mental health counseling,
20 forensic interviewing, multidisciplinary team coordination,
21 and victim advocacy.”.

22 (e) GRANTS FOR SPECIALIZED TECHNICAL ASSIST-
23 ANCE AND TRAINING PROGRAMS.—Section 214A of the
24 Victims of Child Abuse Act of 1990 (34 U.S.C. 20305)
25 is amended—

1 (1) in subsection (a), by striking “to attorneys”
2 and all that follows and inserting the following:

3 “to—

4 “(1) attorneys and other allied professionals in-
5 strumental to the criminal prosecution of child abuse
6 cases in State or Federal courts, for the purpose of
7 improving the quality of criminal prosecution of such
8 cases; and

9 “(2) child abuse professionals instrumental to
10 the protection of children, intervention in child abuse
11 cases, and treatment of victims of child abuse, for
12 the purpose of—

13 “(A) improving the quality of such protec-
14 tion, intervention, and treatment; and

15 “(B) promoting the effective delivery of the
16 evidence-informed Children’s Advocacy Model
17 and the multidisciplinary response to child
18 abuse, including best practices in programmatic
19 evaluation and financial oversight of Federal
20 funding.”;

21 (2) by striking subsection (b) and inserting the
22 following:

23 “(b) GRANTEE ORGANIZATIONS.—

24 “(1) PROSECUTORS.—An organization to which
25 a grant is made for specific training and technical

1 assistance for prosecutors under subsection (a)(1)
2 shall be one that has—

3 “(A) a broad representation of attorneys
4 who prosecute criminal cases in State courts;
5 and

6 “(B) demonstrated experience in providing
7 training and technical assistance for prosecu-
8 tors.

9 “(2) CHILD ABUSE PROFESSIONALS.—An orga-
10 nization to which a grant is made for specific train-
11 ing and technical assistance for child abuse profes-
12 sionals under subsection (a)(2) shall be one that
13 has—

14 “(A) a diverse portfolio of training and
15 technical resources for the diverse professionals
16 responding to child abuse, including a digital li-
17 brary to promote evidence-informed practice;
18 and

19 “(B) demonstrated experience in providing
20 training and technical assistance for child abuse
21 professionals, especially law enforcement offi-
22 cers, child protective service workers, prosecu-
23 tors, forensic interviewers, medical profes-
24 sionals, victim advocates, and mental health
25 professionals.”; and

1 (3) in subsection (c)(2), by inserting after
2 “shall require” the following: “, in the case of a
3 grant made under subsection (a)(1),”.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
5 214B of the Victims of Child Abuse Act of 1990 (34
6 U.S.C. 20306) is amended—

7 (1) in subsection (a), by striking “sections 213
8 and 214” and all that follows and inserting the fol-
9 lowing: “sections 213 and 214, \$19,000,000 for each
10 of fiscal years 2019 through 2023.”; and

11 (2) in subsection (b), by striking “section
12 214A” and all that follows and inserting the fol-
13 lowing: “section 214A, \$6,000,000 for each of fiscal
14 years 2019 through 2023.”.

15 (g) ACCOUNTABILITY.—Section 214C of the Victims
16 of Child Abuse Act of 1990 (34 U.S.C. 20307) is amend-
17 ed—

18 (1) by striking “All grants awarded” and in-
19 serting the following:

20 “(a) IN GENERAL.—All grants awarded”; and

21 (2) by adding at the end the following:

22 “(b) REPORTING.—Not later than March 1 of each
23 year, the Attorney General shall submit to the Committee
24 on the Judiciary of the Senate and the Committee on the
25 Judiciary of the House of Representatives a report that—

1 “(1) summarizes the efforts of the Adminis-
2 trator to monitor and evaluate the regional chil-
3 dren’s advocacy program activities under section
4 213(d);

5 “(2) describes—

6 “(A) the method by which amounts are al-
7 located to grantees and subgrantees under this
8 subtitle, including to local children’s advocacy
9 centers, State chapters, and regional children’s
10 advocacy program centers; and

11 “(B) steps the Attorney General has taken
12 to minimize duplication and overlap in the
13 awarding of amounts under this subtitle; and

14 “(3) analyzes the extent to which both rural
15 and urban populations are served under the regional
16 children’s advocacy program.”.

17 (h) TECHNICAL AND CONFORMING AMENDMENTS
18 RELATING TO TITLE 34, UNITED STATES CODE.—The
19 Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et
20 seq.) is amended—

21 (1) in section 212(1) (34 U.S.C. 20302), by
22 striking “(42 U.S.C. 5611(b))” and inserting “(34
23 U.S.C. 11111(b))”;

1 (2) in section 214(c)(1) (34 U.S.C.
2 20304(c)(1)), by striking “(42 U.S.C. 5665 et seq.)”
3 and inserting “(34 U.S.C. 11183, 11186)”;

4 (3) in section 214A(c)(1) (34 U.S.C.
5 20305(c)(1)), by striking “(42 U.S.C. 5665 et seq.)”
6 and inserting “(34 U.S.C. 11183, 11186)”;

7 (4) in section 217(c)(1) (34 U.S.C.
8 20323(c)(1)), by striking “(42 U.S.C. 5665 et seq.)”
9 and inserting “(34 U.S.C. 11183, 11186)”;

10 (5) in section 223(c) (34 U.S.C. 20333(c)), by
11 striking “(42 U.S.C. 5665 et seq.)” and inserting
12 “(34 U.S.C. 11183, 11186)”.

13 **SEC. 3. IMMUNITY PROTECTIONS FOR REPORTERS OF**
14 **CHILD ABUSE.**

15 (a) STATE PLANS.—Section 106(b)(2)(B)(vii) of the
16 Child Abuse Prevention and Treatment Act (42 U.S.C.
17 5106a(b)(2)(B)(vii)) is amended to read as follows:

18 “(vii) provisions for immunity from
19 civil or criminal liability under State and
20 local laws and regulations for individuals
21 making good faith reports of suspected or
22 known instances of child abuse or neglect,
23 or who otherwise provide information or
24 assistance, including medical evaluations or
25 consultations, in connection with a report,

1 investigation, or legal intervention pursu-
2 ant to a good faith report of child abuse or
3 neglect;”.

4 (b) FEDERAL IMMUNITY.—

5 (1) IN GENERAL.—Notwithstanding any other
6 provision of law, any individual making a good faith
7 report to appropriate authorities of a suspected or
8 known instance of child abuse or neglect, or who
9 otherwise, in good faith, provides information or as-
10 sistance, including medical evaluations or consulta-
11 tions, in connection with a report, investigation, or
12 legal intervention pursuant to a good faith report of
13 child abuse or neglect shall not be subject to civil li-
14 ability or criminal prosecution, under any Federal
15 law, rising from making such report or providing
16 such information or assistance.

17 (2) PRESUMPTION OF GOOD FAITH.—In a Fed-
18 eral civil action or criminal prosecution brought
19 against a person based on the person’s reporting a
20 suspected or known instance of child abuse or ne-
21 glect, or providing information or assistance with re-
22 spect to such a report, as described in paragraph
23 (1), there shall be a presumption that the person
24 acted in good faith.

1 (3) COSTS.—If the defendant prevails in a Fed-
2 eral civil action described in paragraph (2), the
3 court may award costs and reasonable attorney’s
4 fees incurred by the defendant.