



2023 Legislative Agenda

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HOT TOPIC:

Reauthorize the Child Abuse Prevention and Treatment Act (CAPTA) To Prevent Child Abuse

Action

- Reauthorize CAPTA Titles I and II with a higher authorized funding level
- Include additional attention to child fatalities, children born exposed to substances, and enhanced legal representation for children and families
- Reject all efforts to narrow and politicize the broad federal definition of child maltreatment
- Reauthorize the Adoption Opportunities Act with greater research on adoption disruption and dissolution and more support for post adoption services

Background

Child abuse and neglect are serious and complex national challenges that have far-reaching impacts on children and their families, with costly consequences for our country. The Child Abuse Prevention and Treatment Act (CAPTA) is the historic 1974 law that provided the first federal recognition that child abuse and neglect is a national concern. CAPTA is foundational to our nation's system for preventing child abuse and neglect and protecting children who have experienced serious harm, and it is the subject of reauthorization this year.

Title I of CAPTA requires the states to follow several requirements, including having child protective services (CPS) systems, a system of mandatory reporters of child abuse, court appointed special advocates (CASAs) or guardians ad litem, and, in more recent years, plans of safe care.

For states to receive Title II Community-Based Child Abuse Prevention (CB-CAP) funds, the Governor must designate a lead agency to receive prevention funds and implement the program. Core features of the program include:

- Federal, State, and private funds are blended and provided to community agencies for child abuse and neglect prevention and family support programs.
- Federal funds help to leverage state, local and private funding.
- An emphasis on promoting parent leadership and participation in the planning, implementation and evaluation of prevention programs.

- Collaborations with public and private agencies to create and support a child abuse prevention network that provides greater coordination of resources.

Among the services supported and/or coordinated are home visiting programs, parenting programs, family resource centers, respite and crisis care, parent mutual support, and other family support programs. Funds are used to encourage the use of evidence-based and evidence-informed programs and practices that reflect the unique cultural characteristics and needs of the community. The funds are used to support an evaluation of the programs funded by the grant. A small set-aside is provided to Tribal and migrant communities.

The Need

In fiscal year 2021, there were an estimated 600,000 victims of child abuse and neglect, a decrease from 618,000 in 2020. Child Protective Services (CPS) agencies received just under 4 million (3,987,000) total referrals, including 7.18 million children. According to the Centers for Disease Control and Prevention (CDC), child abuse and neglect has a lifetime economic cost of over \$124 billion each year.

The Family First Prevention Services Act represented a historic investment in child welfare funding for critical intervention services that can safely reduce the number of children in foster care. Now, five years later and after weathering a global pandemic, we need to strengthen and fund primary prevention services that can prevent child abuse and neglect long before a child or family comes to the attention of the child welfare system.

Increase Authorized Funding Levels

CAPTA is the only federal legislation exclusively dedicated to the prevention, assessment, identification, and treatment of child abuse and neglect. It represents less than 3% of total federal child welfare spending.

The National Child Abuse Coalition, in support of CAPTA reauthorization, is calling for a strong public health approach to child maltreatment prevention, as recommended by the CDC and HHS. "That approach cannot be achieved using the current funding provided. 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 welfare that supports families and prevents child abuse and neglect. Any new requirements must include significant funding increases. By driving prevention efforts toward building community-level frameworks to create the context for healthy

children and strong families, CAPTA can be a catalyst and a partner to other policy areas that address the wellbeing of children and families from different angles (e.g., early childhood development, youth development, broad parenting support)."

Congress needs to increase the authorized funding level and appropriations for CAPTA to prevent child abuse and to strengthen the foundations on which our families are built.

Title 1: CAPTA State Grants: \$270 Million

Through this century, CAPTA state grants (Title I of CAPTA) have been funded at less than \$26 million a year while absorbing across-the-board and sequestration cuts. In 2018, Congress increased funding by \$60 million to \$85 million to implement plans of safe care for infants born exposed to substances. Last year, funding was increased to \$105 million. Despite recent progress, it is seriously underfunded to effectively address the array of services required in the law. **Reauthorization should increase authorized funding for Title I to \$270 million.**

Title II: Community-Based Child Abuse Prevention (CB-CAP): \$270 Million

CB-CAP supports community-based efforts to develop, operate, expand, and coordinate programs, and activities to prevent child abuse and neglect. Funds are often spent outside of the formal child welfare system, providing support and stability for families who are vulnerable. We are grateful to Congress for the recent increases in funding, but at just over \$70 million a year, we need greater funding for these important services. **Reauthorization should increase the authorized funding for Title II to \$270 million and should prioritize parity in spending on Titles I and II.**

Opportunities to Strengthen Protection and Treatment Policies

New Provisions

The CAPTA Reauthorization Act of 2021 was approved by the Senate HELP committee in June 2021. This bill included several important improvements Congress should implement in its reauthorization of CAPTA. It:

- Strengthens the law's emphasis on prevention and family strengthening and promoting race equity.
- Improves transparency and accountability in the law.
- Adds two new titles to CAPTA: one focused on preventing fatalities due to child abuse and neglect (Title III) and a second focused on addressing the needs of infants with prenatal substance exposure and their families (Title IV). The bill authorizes \$60 million for each of these titles.

- Increases support for legal representation for children and families. A new reauthorization bill should include robust legal protection provisions, including authorized funding.

Definition of Child Abuse and Neglect

CAPTA maintains a broad Federal definition of child maltreatment, but each state provides specificity to their definitions of what constitutes child abuse and neglect. It is the responsibility of the state child protection agencies to make the critical judgement on what constitutes abuse and neglect by conducting CPS investigations. It is imperative that **Congress reject efforts to narrow and politicize the broad federal definition of child maltreatment.** CAPTA law must remain broad and continue to give states the ability to make these critical determinations.

Adoption Opportunities

The Adoption Opportunities Program provides federal discretionary funds to eliminate barriers to adoption of children in the foster care system. According to the latest Federal estimates, more than 100,000 children in foster care are still waiting to be adopted. **Congress should reauthorize the Adoption Opportunities program to include new provisions** such as strengthening grants for improving post-adoption services, adding family-finding and kinship notification to recruitment programs, providing adoption competency training for mental health needs, developing evidence-based and evidence-informed adoption services, and studying the causes of adoption disruption and dissolution.

Conclusion

A substantial increase in authorized funding for the CAPTA State Grants, CB-CAP, and the Adoption Opportunities program and additional authorized funding and supports for interventions to address child fatalities, infants born exposed to substances, and legal representation for families, based on the CAPTA reauthorization bills in the 117th Congress (H.R.485 and S.1927), will expand primary prevention efforts driven by community needs that strengthen families.

To effectively provide a child welfare continuum of services, we need to fully fund each part of that continuum, including programs that prevent child maltreatment, prevent the placement of children into foster care, assist children and their families in foster care, find stable families for children, and support families, children, and youth post-placement. As the front end of this continuum of services, CAPTA reauthorization presents an opportunity to invest in and prioritize the prevention of child maltreatment and family disruption.

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