

116TH CONGRESS
1ST SESSION

S. 3027

To amend part B of title IV of the Social Security Act to require States to review child fatalities from maltreatment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2019

Mr. BROWN (for himself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part B of title IV of the Social Security Act to require States to review child fatalities from maltreatment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Abuse Death
5 Disclosure Act”.

6 **SEC. 2. STRENGTHENING NATIONAL DATA ON CHILD FA-**
7 **TALITIES FROM MALTREATMENT.**

8 (a) IV–B REQUIREMENT TO REVIEW CHILD FATALI-
9 TIES FROM MALTREATMENT.—Section 422(b)(19) of the
10 Social Security Act (42 U.S.C. 622(b)(19)) is amended—

1 (1) in subparagraph (A), by striking “and”
2 after the semicolon;

3 (2) in subparagraph (B), by striking the period
4 at the end and inserting “; and”; and

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

6 “(C) an assurance that the State shall—

7 “(i) engage at least annually, and,
8 more frequently as necessary, in a multi-
9 disciplinary review of all child fatalities
10 from maltreatment in the State that oc-
11 curred during the previous year in accord-
12 ance with the requirements of section
13 429A; and”.

14 (b) REVIEW REQUIREMENTS.—Subpart 1 of part B
15 of title IV of the Social Security Act (42 U.S.C. 621 et
16 seq.) is amended by adding at the end the following:

17 **“SEC. 429A. ONGOING REVIEW OF CHILD FATALITIES FROM**
18 **MALTREATMENT.**

19 “(a) REQUIREMENTS.—In order to satisfy the re-
20 quirements of section 422(b)(19)(C), a State shall require
21 the State’s multidisciplinary child death review team or,
22 if the State does not have such a team as of the date of
23 enactment of this section, a multidisciplinary team estab-
24 lished by the State that is comprised of representatives
25 of integral elements of the State child welfare system, such

1 as child welfare workers, child protective services workers,
2 prosecutors, law enforcement, coroners or medical exam-
3 iners, public health care providers, pediatricians with ex-
4 pertise in child maltreatment and the child welfare system,
5 substance use disorder treatment providers, and advocates
6 and researchers for the prevention and treatment of do-
7 mestic violence, as well as representatives of educators, in-
8 cluding early childhood educators and child care providers,
9 to review at least annually and more frequently as nec-
10 essary all child fatalities from maltreatment in the State
11 that occurred during the most recently ended fiscal year
12 and for which all administrative or judicial review is com-
13 plete or no longer timely (in this section referred to as
14 the ‘review team’). Any child fatality from maltreatment
15 in the State that occurred during the most recently ended
16 fiscal year but for which administrative or judicial review
17 is not complete or remains timely shall be reviewed by the
18 review team in during the first review period that occurs
19 after all administrative or judicial review is complete or
20 no longer timely.

21 “(b) REPORT AND RECOMMENDATIONS.—The review
22 team shall—

23 “(1) for each child fatality from maltreatment
24 in the State subject to review, make findings based
25 on information available to the review team regard-

1 ing the causes of child’s fatality and other factors
2 that impacted the child’s fatality, including to the
3 extent possible and taking into account privacy pro-
4 tections under Federal and State law, the cir-
5 cumstances of the fatality, the characteristics of the
6 victim, the perpetrators, including their relationship
7 to the child, and the parents or guardians of the
8 child, whether there were previous familial inter-
9 actions with child protective services and the out-
10 comes of those interactions, whether the child had
11 any siblings and how many, whether there were
12 other children present or living in the household at
13 the time of the fatality, and the social services, pub-
14 lic cash or in-kind assistance (including housing),
15 health (including mental health) services, alcohol or
16 substance use disorder treatment, or other public or
17 private services provided to or on behalf of the child
18 prior to the child’s death;

19 “(2) submit all findings and data made in ac-
20 cordance with paragraph (1) to the Child Death Re-
21 view Case Reporting System (in this section referred
22 to as the ‘CDR Reporting System’) operated by the
23 National Center for Fatality Review and Prevention;

24 “(3) based on the findings made in accordance
25 with paragraph (1), develop recommendations for

1 preventing future child fatalities from maltreatment;
2 and

3 “(4) submit a report, at least annually, and,
4 more frequently as necessary, to the State Governor,
5 the State legislature, and, if the incident reporting
6 threshold established under subsection (c) is met, to
7 the Secretary, that contains the findings and data
8 submitted to the CDR Reporting System under sub-
9 paragraph (2) (de-identified) and the recommenda-
10 tions developed under paragraph (3).

11 “(c) INCIDENT REPORTING THRESHOLD.—

12 “(1) STATE-SPECIFIC THRESHOLDS.—

13 “(A) IN GENERAL.—The Secretary annu-
14 ally shall establish a national reporting incident
15 threshold for each State for purposes of pro-
16 tecting the privacy of families and other living
17 individuals whose information is part of the
18 findings and data submitted under subsection
19 (b)(2) and the reports to the State Governor
20 and State Legislature required under subsection
21 (b)(4).

22 “(B) REQUIREMENTS.—In establishing the
23 national reporting incident threshold for a
24 State, the Secretary shall ensure that the re-
25 porting threshold is subject to privacy protec-

1 tions that are designed to protect the privacy
2 of—

3 “(i) children;

4 “(ii) individuals who are not the per-
5 petrators of the child maltreatment that
6 resulted in the fatality; and

7 “(iii) individuals who are or have been
8 victimized by domestic violence or who are
9 at risk of domestic violence.

10 “(2) APPLICATION.—If the number of child fa-
11 talities from maltreatment in a State in a fiscal year
12 is below the reporting threshold established for the
13 State for the fiscal year, the State shall not submit
14 the report required under subsection (b)(4) to the
15 Secretary but shall submit to the Secretary—

16 “(A) the findings and data submitted to
17 the CDR Reporting System under subsection
18 (b)(2) for the purpose of making such findings
19 and data accessible as a public use data set on
20 the national website required under subsection
21 (g) after redacting any personal identifying in-
22 formation; and

23 “(B) the recommendations developed under
24 subsection (b)(3).

1 “(d) TRAINING.—In order to satisfy the requirements
2 of section 422(b)(19)(C) and subsection (i), a State shall
3 provide short-term training for the members and staff of
4 the State’s multidisciplinary child death review team, coro-
5 ners, medical examiners, pathologists, crime scene inves-
6 tigators, social workers, and law enforcement regarding—

7 “(1) the set of national definition standards
8 promulgated under section 3(a) of the Child Abuse
9 Death Disclosure Act; and

10 “(2) approaches to—

11 “(A) reduce and prevent discrimination
12 based on race or culture (including training re-
13 lated to implicit biases) in the provision of child
14 protection and welfare services related to child
15 abuse and neglect; and

16 “(B) address racial or cultural dispropor-
17 tionality in the incidence of child maltreatment
18 fatality cases.

19 “(e) FUNDING.—

20 “(1) IN GENERAL.—Subject to paragraph (2),
21 amounts expended by a State during each quarter
22 beginning after the effective date of this section for
23 administrative costs (as defined in section 422(c)(1))
24 to carry out this section and section 422(b)(19)(C)
25 shall be deemed to be amounts expended during

1 such quarter as found necessary by the Secretary for
2 the proper and efficient administration of the State
3 plan under part E and eligible for Federal matching
4 payments under section 474(a)(3)(E) without regard
5 to whether such costs are incurred on behalf of a
6 child who is, or is potentially, eligible for foster care
7 maintenance payments or adoption assistance under
8 part E.

9 “(2) TRAINING.—Amounts expended by a State
10 during each quarter beginning after the effective
11 date of this section for providing training required
12 under subsection (d) of this section shall be eligible
13 for Federal matching payments under section
14 474(a)(3)(B) without regard to whether such costs
15 are incurred on behalf of a child who is, or is poten-
16 tially, eligible for foster care maintenance payments
17 or adoption assistance under part E.

18 “(f) INDIAN TRIBES, TRIBAL ORGANIZATIONS.—The
19 Secretary, in consultation with the Assistant Secretary-In-
20 dian Affairs of the Bureau of Indian Affairs of the De-
21 partment of Interior and tribal child welfare organiza-
22 tions, shall determine how and the extent to which the re-
23 quirements of this section shall apply to Indian tribes and
24 tribal organizations (as defined in section 4 of the Indian

1 Self-Determination and Education Assistance Act (25
2 U.S.C. 5304).

3 “(g) NONAPPLICATION.—The limitations on pay-
4 ments for administrative costs under sections 424(e) and
5 472(i) shall not apply to State expenditures made to carry
6 out this section.

7 “(h) NATIONAL WEBSITE.—

8 “(1) IN GENERAL.—The Secretary, in coordina-
9 tion with the National Center for Fatality Review
10 and Prevention, shall publish on a website that is
11 available to the public and maintained and updated
12 at least annually—

13 “(A) each report submitted to the Sec-
14 retary under subsection (b)(4); and

15 “(B) the findings and data submitted to
16 the CDR Reporting System under subsection
17 (b)(2) (with any personal identifying informa-
18 tion or information that identifies the submit-
19 ting State redacted) in a manner that is acces-
20 sible as a public use data set for purposes of re-
21 search to identify risk factors and to prevent
22 future deaths of children from maltreatment.

23 “(2) NOTICE TO CONGRESS.—The Secretary
24 shall notify Congress when information on the
25 website required under paragraph (1) is updated.”.

1 (c) CONFORMING AMENDMENT.—Section 425 of the
2 Social Security Act (42 U.S.C. 625) is amended by strik-
3 ing “426, 427, and 429” and inserting “422(b)(19)(C),
4 426, 427, 429, and 429A”.

5 **SEC. 3. DEVELOPMENT OF NATIONAL DEFINITION STAND-**
6 **ARDS RELATING TO CHILD FATALITIES FROM**
7 **MALTREATMENT.**

8 (a) PROMULGATION OF NATIONAL DEFINITION
9 STANDARDS.—Not later than 18 months after the date
10 of enactment of this Act, the Secretary of Health and
11 Human Services (in this section referred to as the “Sec-
12 retary”) shall promulgate proposed regulations estab-
13 lishing a set of national definition standards relating to
14 child fatalities from maltreatment that States shall use to
15 report data to the National Child Abuse and Neglect Data
16 System established and maintained in accordance with
17 section 103 of the Child Abuse Prevention and Treatment
18 Act (42 U.S.C. 5104) and, not later than 6 months after
19 the date on which the public comment period on the pro-
20 posed regulations closes, shall issue final regulations es-
21 tablishing such standards.

22 (b) REQUIREMENTS.—In promulgating the regula-
23 tions under subsection (a), the Secretary shall consult with
24 representatives of—

- 1 (1) State and county officials responsible for
- 2 administering the State plans under parts B and E
- 3 of title IV of the Social Security Act;
- 4 (2) child welfare professionals with field experi-
- 5 ence;
- 6 (3) child welfare researchers;
- 7 (4) child development professionals;
- 8 (5) mental health professionals;
- 9 (6) substance use disorder treatment profes-
- 10 sionals;
- 11 (7) emergency medicine physicians;
- 12 (8) child abuse pediatricians, as certified by the
- 13 American Board of Pediatrics, who specialize in
- 14 treating victims of child abuse;
- 15 (9) forensic pathologists;
- 16 (10) public health administration;
- 17 (11) public health researchers;
- 18 (12) law enforcement;
- 19 (13) advocates and researchers for the preven-
- 20 tion and treatment of domestic violence;
- 21 (14) a representative from the National Center
- 22 for Fatality Review and Prevention; and
- 23 (15) such other organizations or entities as the
- 24 Secretary determines appropriate.
- 25 (c) CONFORMING AMENDMENTS.—

1 (1) CAPTA.—

2 (A) NATIONAL CHILD ABUSE AND NE-
3 GLECT DATA SYSTEM.—Section 103(c)(1)(C) of
4 the Child Abuse Prevention and Treatment Act
5 (42 U.S.C. 5104(c)(1)(C)) is amended—

6 (i) in clause (iii), by striking “and”
7 after the semicolon;

8 (ii) in clause (iv), by adding “and”
9 after the semicolon; and

10 (iii) by inserting after clause (iv), the
11 following:

12 “(v) information on child fatalities
13 from maltreatment in accordance with the
14 set of national definition standards pro-
15 mulgated under section 3(a) of the Child
16 Abuse Death Disclosure Act;”.

17 (B) STATE DATA REPORTS.—Section
18 106(d) of the Child Abuse Prevention and
19 Treatment Act (42 U.S.C. 5106a(d)) is amend-
20 ed by adding at the end the following:

21 “(19) The number of child fatalities from mal-
22 treatment and related information required to be re-
23 ported in accordance with the set of national defini-
24 tion standards promulgated under section 3(a) of
25 the Child Abuse Death Disclosure Act.”.

1 (2) SOCIAL SECURITY ACT.—

2 (A) IV–B PLAN.—Section 422(b)(19)(C)
3 of the Social Security Act (42 U.S.C.
4 622(b)(19)), as amended by section 2(a), is fur-
5 ther amended by adding at the end the fol-
6 lowing:

7 “(ii) report information on child mal-
8 treatment deaths required by Federal law
9 in accordance with the set of national defi-
10 nition standards promulgated under sec-
11 tion 3(a) of the Child Abuse Death Disclo-
12 sure Act.”.

13 (B) REVIEW REQUIREMENTS.—Section
14 429A of the Social Security Act, as added by
15 section 2(b), is amended by adding at the end
16 the following:

17 “(i) APPLICATION OF NATIONAL DEFINITION
18 STANDARDS.—The review team shall use the set of na-
19 tional definition standards promulgated under section 3(a)
20 of the Child Abuse Death Disclosure Act to make and sub-
21 mit findings and data to the CDR Reporting System and
22 to develop the recommendations required under subsection
23 (b)(3).”.

1 **SEC. 4. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act take
3 effect on the date that is 6 months after the date of enact-
4 ment of this Act.

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