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Child Welfare: Programs Authorized by the Victims of Child Abuse Act of 1990

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name redacted
Specialist in Social Legislation
Domestic Social Policy Division

Child Welfare: Programs Authorized by the Victims of Child Abuse Act of 1990

Summary

The Victims of Child Abuse Act of 1990 (Title II, P.L. 101-647) authorized three programs: Children's Advocacy Centers, the Court Appointed Special Advocates (CASA) program, and Training for Judicial Practitioners and Personnel. Funding authorization for each of these programs expired with FY2005. In mid-December 2005, Congress approved the Violence Against Women and Department of Justice Reauthorization Act of 2005 (H.R. 3402), which reauthorizes funding for the CASA program (for FY2007-FY2011) at its FY2005 authorization level of \$12 million. That legislation (now P.L. 109-162) also extends funding for training and technical assistance related to the Children's Advocacy Centers for FY2006-FY2010, increasing that authorization level to \$7.5 million (previously \$5 million) — although it does not extend the authorization for the Children's Advocacy Centers themselves. Despite the expiration of their spending authorizations, funding for each of the Victims of Child Abuse Act programs was included in FY2006 appropriations (P.L. 109-108), and the Administration has requested funding for these programs in FY2007.

Children's Advocacy Centers are authorized to provide services to child victims of abuse (and to their non-offending family members), to coordinate child abuse investigations in ways that reduce their trauma, and to provide for related training and technical assistance. Funding for the centers and related training and technical assistance grew from approximately \$13 million in FY2004 to close to \$15 million in each of FY2005 and FY2006. For FY2007, the Administration has requested \$11.7 million in funding for Children's Advocacy Centers.

Under the CASA program, funding is provided to the National Court Appointed Special Advocates Association to initiate and expand local programs that provide volunteer advocates (called CASAs) to children who are the victims in child abuse or neglect cases. The Violence Against Women and Department of Justice Act reauthorizes funding for CASA for FY2007-FY2011 and, among other changes, includes authority for the use of these funds to "sustain" CASA programs. Funding for CASA was \$11.7 million in FY2005. For FY2006, Congress appropriated approximately \$11.7 million for CASA. The Administration has requested \$11.8 million for the program in FY2007.

Funds appropriated for Training Judicial Practitioners and Personnel have been awarded to the National Council of Juvenile and Family Court Judges, and have been used to create the ongoing "model courts" initiative. Funding for this program was somewhat lower in FY2005 (\$1.9 million) than in each of the seven preceding fiscal years. For FY2006, Congress appropriated approximately \$2.3 million for this training program, and the Administration has requested the same level of funding for FY2007. This report will be updated as necessary.

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Child Welfare: Programs Authorized by the Victims of Child Abuse Act of 1990

The Victims of Child Abuse Act of 1990 (Title II of P.L. 101-647, the Crime Control Act of 1990) authorizes Children's Advocacy Centers (and related training and technical assistance), the Court-Appointed Special Advocates (CASA) program, and Training for Judicial Personnel and Practitioners. Funding for these programs expired with FY2005. Congress has reauthorized the CASA program (for FY2007-FY2011) and training and technical assistance related to Children's Advocacy Centers (for FY2006-FY2010) (see P.L. 109-162). Despite their expiration, FY2006 funding for all of the programs was included in the FY2006 Department of Justice Appropriations Act (P.L. 109-108).¹ Further, the Administration has requested funding for all of these programs for FY2007. The basic purposes of the programs and their final FY2005 and FY2006 funding levels, along with the President's FY2007 requested funding level, are given below.

- ***Children's Advocacy Centers*** — to provide services to child victims of abuse (and their non-offending family members), to coordinate child abuse investigations in ways that reduce their trauma, and to provide for training and technical assistance.
FY2005: \$14.8 million
FY2006: \$14.8 million
FY2007: President's funding request — \$11.7 million
- ***Court Appointed Special Advocates*** — to ensure proper court advocacy for children who are child abuse and neglect victims
FY2005: \$11.7 million
FY2006: \$11.7 million
FY2007: President's funding request — \$11.8 million
- ***Training for judicial personnel and practitioners*** — to improve court handling of child abuse and neglect cases.
FY2005: \$1.9 million
FY2006: \$2.3 million
FY2007: President's funding request — \$2.3 million

¹ Discretionary funds provided in P.L. 109-108 were subject to a 0.28% reduction. In addition, the program funding described in this report was subject to a 1% funding rescission as provided in P.L. 109-148 (Defense Appropriations Act for FY2006).

Legislation in the 109th Congress

Appropriations

Funding authorization for the Victims of Child Abuse Act programs expired with FY2005. Congress nonetheless provided FY2006 funding for these programs in the conference report to H.R. 2862 (H.Rept. 109-272), which was signed by the President on November 22, 2005 (P.L. 109-108). That law provided for a 0.28% reduction in all the discretionary funding amounts provided in the bill. Subsequently, Congress approved a conference agreement to the Department of Defense Appropriations Act (H.R. 2863, enacted as P.L. 109-148), which includes a 1% rescission in nearly all FY2006 discretionary appropriations. Each of the Victims of Child Abuse Act programs is discretionary and subject to this combined 1.28% reduction in FY2006 funding. (Both laws stipulate that these reductions are to be applied proportionately to all accounts and activities funded.) Unless otherwise noted, the FY2006 appropriations levels discussed in this report *estimate* the effect of this 1.28% reduction on each of the programs assuming a proportionate application of the reduction.

Children's Advocacy Centers. Neither the House nor the Senate followed the President's FY2006 budget request to significantly reduce funding for Children's Advocacy Centers (and its related training and technical assistance). Congress provided \$14.8 million in FY2006 appropriations for this program rather than the \$11.8 million proposed by the President. The conference report (H.Rept. 109-272) accompanying this FY2006 appropriation (and as adjusted proportionately by the 1.28% funding reduction) specified that, of this amount, \$12.6 million is for Children's Advocacy Centers and \$2.2 million is for specialized training and technical assistance. For FY2007, the Administration has again requested reduced funding for the program, totaling \$11.679 million.²

Court Appointed Special Advocates. The House, Senate, and President proposed roughly the same FY2006 funding levels (ranging between \$11.846 million and \$11.897 million) for the Court Appointed Special Advocates (CASA) program. The final estimated FY2006 funding level for this program is approximately \$11.745 million. For FY2007, the Administration has proposed \$11.750 million in CASA funding.

Training for Judicial Personnel and Practitioners. Floor amendments approved in both the House and Senate (to their respective versions of H.R. 2862) would have significantly raised the funding levels for Training for Judicial Personnel

² The text of the Administration's budget requests makes clear that \$11.7 million is sought for the Children's Advocacy Centers and related training program. However, the actual legislative language proposed in the budget references only the program authority for the related training program. U.S. Department of Justice, *FY2007 Performance Budget*, Office of Justice Programs, pp. 17, 206-209, and Exhibit B-3.

and Practitioners for FY2006.³ However, conferees to the Department of Justice Appropriations Act stripped this extra money from the final agreement, and the FY2006 appropriation for this program is estimated as \$2.258 million. For FY2007, the President's budget requests \$2.263 million for this program.

Authorization

Congress often uses the expiration of a program's funding authorization to both amend program authority and extend funding authorization.

Children's Advocacy Centers. Legislation to reauthorize grants to support Children's Advocacy Centers has not been introduced in the 109th Congress. However, the Violence Against Women and Department of Justice Reauthorization Act (P.L. 109-162) includes an authorization of \$7.5 million (in each of FY2006-FY2010) for specialized technical assistance and training programs related to the purposes of Children's Advocacy Centers. The Victims of Child Abuse Act provided an authorization of \$5 million (for each of FY2004-FY2005) for grants to "national organizations" to provide technical assistance and training ... for the purpose of improving the quality of criminal prosecution of [child abuse and neglect] cases." As recently enacted, P.L. 109-162 stipulates that the training and technical assistance funding authorized for FY2006-FY2010 is "in addition" to any other funding under the Victims of Child Abuse Act for this purpose, and that this new funding authorization is specifically for grants to the American Prosecutors Research Institute (APRI). (There are currently no other funds authorized for this purpose.) Congress has often — via appropriations conference report language — made grants to APRI out of this funding authority. However, funds provided under this authority have not been exclusively devoted to that organization. (See the program discussion under *Children's Advocacy Centers* below for more information.)

During the first session of the 109th Congress, bills that sought to ensure funds would be sent to the APRI were introduced in the House (H.R. 3687, by Representative Gutknecht) and Senate (S. 885, by Senator Dayton), and the provisions of these bills have now largely been approved as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162). (However, Senator Dayton's bill would have further provided that in each of FY2006 to FY2010, \$4.5 million of the funds would be authorized for APRI's National Center for the Prosecution of Child Abuse, while the remaining \$3.0 million would be authorized for APRI's National Child Protection Training Center at Winona State University.⁴)

³ In the House, Representative Jackson-Lee (Amendment 11 to H.R. 2862) successfully proposed raising the funding level by \$2 million, which set the initial House-passed FY2006 appropriation for the program at \$3.925 million. In the Senate, Senator Ensign (S.Amdt. 1653) successfully proposed raising the funding level by \$3 million, which set the initial Senate-passed FY2006 appropriation for this program at \$5.287 million.

⁴ For information about the National Child Protection Training Center, which was created in 2003, see [http://www.ndaa-apri.org/apri/programs/ncptc/ncptc_home.html]. For information about the National Center for the Prosecution of Child Abuse see the training (continued...)

Court Appointed Special Advocates. The Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) also amended the CASA program and reauthorized its funding for FY2007-FY2011. (As noted above, FY2006 funding for CASA was provided in P.L. 109-108 despite the lapsed funding authorization.) Legislation to amend CASA and reauthorize its funding had earlier passed the Senate (S. 1197) as part of a bill to extend Violence Against Women Act (VAWA) programs.⁵ S. 1197 would have raised the annual funding authorization for the CASA program to \$17 million for FY2006-FY2010. By contrast, P.L. 109-162 reauthorizes funding for CASA for five years but maintains the FY2005 funding authorization level of \$12 million and changes the first year of the extension to FY2007. Like S. 1197, however, P.L. 109-162 clarifies that funds provided for CASA may be used to “initiate, sustain, and expand” CASA programs. (Prior law generally limited the purpose of these funds to initiating or expanding CASA programs.) Also, like S. 1197, the final legislation authorizes state and local CASA programs to request criminal background checks for prospective volunteers from the Federal Bureau of Investigation (FBI) and stipulates that programs that make such a request are required to pay for “reasonable costs” associated with the FBI check.⁶ Finally, P.L. 109-162 includes two provisions that were not in S. 1197. These are: 1) a requirement the Inspector General of the Department of Justice prepare a report on the CASA program that looks at the types of activities funded by the National Court-Appointed Special Advocate Association since 1993 and compares outcomes in cases where CASA volunteers are appointed to assist children to those where no CASA is appointed; and 2) a prohibition on the use of funds provided under this authority for lobbying.⁷

Training for Judicial Personnel and Practitioners. No legislation to reauthorize funding for grants to provide Training for Judicial Personnel and Practitioners has been introduced during the 109th Congress.

⁴ (...continued)

and technical assistance provider website of the Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP) at [<http://www.nttac.org/main/index.cfm?event=projectDetails&id=57>] or the center’s own website at [http://www.ndaa-apri.org/apri/programs/ncpca/ncpca_home.html].

⁵ S. 1679, introduced September 12, 2005, by Senator DeWine with Senator Rockefeller, sought to reauthorize CASA at \$17 million annually for FY2006-FY2010. It would further provide that out of any funds appropriated for CASA in each of those years, no less than \$5 million must be used for grants to develop or expand CASA programs in rural or underserved urban areas.

⁶ The final legislation stated this provision slightly differently from how it was stated in S. 1197 as P.L. 109-162 removes a reference to the FBI’s National Crime Information Center (given in S. 1197) but adds a reference to “fingerprint-based” checks.

⁷ Also as S. 1197 would have done, P.L. 109-162 revises and updated the findings and purpose sections of the CASA law. However the enacted legislation removes a reference in the findings section to the National CASA (which had been in S. 1197 and in prior law). Also both S. 1197 and the enacted legislation (P.L. 109-162) changed the date by which the legislation is intended to ensure provision of a CASA to every victim of child abuse and neglect in the United States who needs one (from January 1995 to January 2010).

Prior Reauthorization History

The House and Senate Judiciary Committees reported the 1990 legislation that established the Victims of Child Abuse Act and, in general, those committees have exercised jurisdiction over its programs. In both 1994 (P.L. 103-322) and 2000 (P.L. 106-386), reauthorization of funding for the Court Appointed Special Advocates (CASA) program and for the Training Program for Judicial Personnel and Practitioners occurred as part of the legislation creating and amending the Violence Against Women Act (VAWA). While the 2005 VAWA reauthorization extends CASA funding authorization (FY2007-FY2011) it does not do so for the judicial training program.

Neither does the legislation that reauthorizes VAWA include reauthorization of the Children's Advocacy Centers, although it does include reauthorization of training funds related to the work done by the centers (FY2006-FY2010). Past reauthorizations of Children's Advocacy Centers have occurred as part of separate legislation and in different years. The 1992 amendments to the Juvenile Justice and Delinquency Prevention Act (P.L. 102-586) rewrote and reauthorized the original provisions of the Victims of Child Abuse Act to authorize the current Children's Advocacy Centers and related training program. The 1996 amendments (P.L. 104-235) to the Child Abuse Prevention and Treatment Act (CAPTA) (which was handled by the committees that are currently called House Education and the Workforce and Senate Health, Education, Labor and Pensions) extended this authorization without any changes to the program.⁸ The program's funding authorization was expired from FY2001 through FY2003, although the program continued to receive funding. In 2003, a House floor amendment to the legislation that would become P.L. 108-21 (PROTECT Act) reauthorized funding for the program in FY2004 and FY2005.

⁸ S.Rept. 104-117 (July 1995), p. 23, which accompanied the bill, states that this reauthorization was included at the request of the Judiciary Committee, which planned to re-examine the programs during the expected 1996 reauthorization of the Juvenile Justice and Delinquency Prevention Act. That reauthorization did not occur until 2002 legislation (P.L. 107-273) and then did not address Children's Advocacy Centers.

Description and Funding of Victims of Child Abuse Act Programs

Children's Advocacy Centers

Regional children's advocacy centers, local children's advocacy centers, and related technical assistance and training (to improve the quality of criminal prosecution of child abuse cases) are authorized under Subtitle A (Sections 213, 214, and 214A) of the Victims of Child Abuse Act. Funding for these programs is authorized under Section 214B of this subtitle.

Children's Advocacy Centers are intended to coordinate a multi-disciplinary response to child abuse (e.g., law enforcement, social service, medical, mental health) in a manner that ensures child abuse victims (and any non-offending family members) receive the support services they need and do not experience the investigation of child abuse as an added trauma. Since the inception of the federal program, the Department of Justice, through its Office of Juvenile Justice and Delinquency Prevention (OJJDP), has provided funds to the National Children's Alliance (NCA) to foster development of local children's advocacy centers.⁹ (Children's advocacy centers solicit private or other non-federal funds.) NCA provides subgrants to create or help maintain local children's advocacy centers, which currently exist in approximately 400 communities. And, together with the four federally supported regional children's advocacy centers (located in Philadelphia, PA; St. Paul, MN; Huntsville, AL; and Colorado Springs, CO), federal funds are used to provide training and technical assistance to those local child advocacy centers.¹⁰

Funding for the regional and local children's advocacy centers is authorized under Section 214B(a) of the Victims of Child Abuse Act, and is to be administered within the Department of Justice in coordination with the Department of Health and Human Services (HHS).¹¹ For FY2005, funding was authorized at \$15 million for the centers, and approximately \$12.5 million was appropriated for these centers. No Children's Advocacy Center funding is authorized for FY2006 but Congress nonetheless appropriated an estimated \$12.6 million for them.

Separately, Subtitle A of the Victims of Child Abuse Act (Section 214A) authorizes grants to national organizations for "specialized technical assistance and training programs" for attorneys and others instrumental to the criminal prosecution of child abuse cases and to improve the quality of criminal prosecution of such cases. For FY2005 funding for this purpose was authorized [Section 214B(b)] at \$5 million

⁹ The NCA was formerly called the National Network of Children's Advocacy Centers.

¹⁰ Department of Justice, Office of Justice Programs, FY2005 Congressional Budget, Feb. 2004, pp. 125-126. For additional information go to [<http://ojjdp.ncjrs.org/programs/ProgResults.asp>] and click on Children's Advocacy Centers.

¹¹ The statute provides that this coordination is to be done with the Director of the National Center on Child Abuse and Neglect. The mandate for this position, created by the CAPTA, was repealed by P.L. 104-235. That law simultaneously authorized the creation of the currently existing HHS Office on Child Abuse and Neglect.

and Congress appropriated about half that amount. Funding for this training program is not authorized for FY2006 but Congress nonetheless appropriated an estimated \$2.2 million for this purpose.

In every year, beginning with FY1992, the American Prosecutors Research Institute's (APRI) National Center for the Prosecution of Child Abuse has received funding under this grant authority. The Center provides publication services, as well as training and technical assistance for prosecutors and other professionals involved in the prosecution of child abuse at the state, local and federal levels. While the Congress has designated the Center as the recipient of most of these funds, some training and technical assistance funds provided under this legislative authority have also been directed by the appropriators to the National Children's Alliance and, in a few years, to the National Children's Advocacy Center in Huntsville, AL.

The annual appropriation for the Children's Advocacy Centers and related training and technical assistance has never reached the combined funding authorization level of \$20 million (which was originally set for FY1991). At the same time, combined federal funding has grown for these purposes from \$1.5 million in FY1992 to an estimated \$14.8 million in FY2006.

Table 1 shows a funding history for the Children's Advocacy Centers and related training and technical assistance. Readers should note that certain funding reductions were applied in the legislation that appropriated funds for this program, and which were applicable to the program in FY2003 (0.65%), FY2004 (1.055%), FY2005 (1.34%) and FY2006 (1.28%). These reductions, which may or may not have been applied proportionately by the Department, *are not* reflected in the table but are discussed in the table notes.

Table 1. Authorized and Appropriated Funding for Children's Advocacy Centers and for Training and Technical Assistance

(\$ in millions)

Amounts shown do not reflect any across-the-board funding reductions that affected the appropriation amount, including those passed by Congress in each of FY2003-FY2006.

Fiscal year	Children's Advocacy Centers <i>local and regional centers</i> (Sections 213 and 214)		Training and technical assistance to improve prosecution (Section 214A)		Total
	Authorization level	Appropriation	Authorization level	Appropriation	
1991	P.L. 101-647 authorized \$20 million for grants to develop and establish multi-disciplinary child abuse investigation and prosecution programs and for grants to national organizations to provide technical assistance and training to attorneys and others to improve the quality of criminal prosecution of child abuse cases. No funding was appropriated under this authority. ^a				
1992	such sums as necessary ^a	not funded	such sums as necessary ^a	\$1.5	\$1.5
1993		not funded		\$1.5	\$1.5
1994	\$15	\$1.5	\$5	\$1.5	\$3.0
1995	such sums as necessary	\$2.5	such sums as necessary	\$2.0	\$4.5
1996		\$2.5		\$2.0	\$4.5
1997		\$2.5		\$2.0	\$4.5
1998		\$5.0		\$2.0	\$7.0
1999		\$5.0		\$2.0	\$7.0
2000		\$5.0		\$2.0	\$7.0
2001	none	\$6.3	none	\$2.3	\$8.5
2002		\$6.2		\$2.2	\$8.5
2003 ^b		\$7.8		\$3.2	\$11 ^b
2004 ^c	\$15	not less than \$9 ^d	\$5	no more than \$3 ^d	\$13 ^c
2005 ^e	\$15	\$12.5	\$5	\$2.5	\$15 ^e
2006 ^f	none	\$12.8	\$7.5 ^g	\$2.3	\$15 ^f

Source: Congressional Research Service (CRS) based on appropriations acts and accompanying conference reports. Figures may not sum to the total due to rounding.

- a. P.L. 101-647 provided total funding authorization of \$20 million in FY1991 and such sums as necessary for each of FY1992 - FY1993; it also stipulated that not less than 90% of any funding was for developing and implementing multi-disciplinary child abuse and investigation programs. However, in FY1992 and FY1993 the appropriators stipulated otherwise.
- b. P.L. 108-7, which included the FY2003 appropriation for this program, made an across-the-board funding reduction of 0.65% on most discretionary accounts, including this program. This brought total funding to \$10.9 million in this year.
- c. P.L. 108-199, which included the FY2004 appropriation for this program made an across-the-board funding reduction of 0.59% on most discretionary accounts and an additional reduction of 0.465% on Justice programs. This brought total program funding to \$12.9 million in FY2004.
- d. The conference report provided only that of the \$13 million appropriated for these purposes, not less than \$9 million was to be available to regional or local child advocacy centers.
- e. The omnibus funding bill (P.L. 108-447), which included the FY2005 appropriation for this program included an across-the-board funding reduction on most discretionary accounts of 0.80% and an additional reduction of 0.54% on Commerce-State-Justice programs, including this program. This brought total program funding to \$14.8 million in FY2005.
- f. The Defense Appropriations Act (P.L. 109-148) reduced most FY2006 discretionary appropriation amounts by 1% and P.L. 109-108 reduced discretionary funding of Justice programs an additional 0.28%. This lowered the total FY2006 appropriation to an estimated \$14.8 million.
- g. This funding authorization is provided in freestanding law, which refers to the Victims of Child Abuse Act (Section 214A), but does not amend that act.

Court Appointed Special Advocates

Court Appointed Special Advocates (CASAs) are volunteers who are appointed by judges and who work to ensure that children who are in foster care (or who because of abuse or neglect are at risk of placement in foster care) receive strong effective representation in dependency court proceedings. The first CASA pilot program began in Seattle, Washington in 1977 and the National Court Appointed Special Advocate Association was founded in 1982 to help replicate and support CASA programs across the nation. Local CASA programs are located in every state, the District of Columbia and the U.S. Virgin Islands.¹²

Federal support for the National CASA Association preceded by more than a decade the specific authorization of funds for this purpose in Subtitle B of the 1990 Victims of Child Abuse Act. These funds are administered by OJJDP within the Department of Justice. In authorizing funds specifically for CASA programs, the 1990 Act asserted that only a small fraction of children in dependency proceedings received CASA representation and declared that its purpose was to ensure that each of these children would have a CASA made available to them. Although this goal has not yet been reached, there are more than 950 CASA/Guardian Ad Litem programs in 49 states, the District of Columbia, and the Virgin Islands. In FY2005, almost 200,000 children were served by approximately 60,000 CASA volunteers. Many children, however, were represented through CASA programs that did not receive federal support. For FY2005, about 89,700 children were served by federally supported centers, and those centers recruited approximately 15,600 volunteers.¹³

Funds appropriated for CASA are awarded to the National CASA Association, which awards subgrants (on a competitive basis) to be used for new local program development or expansion of existing programs; state CASA organizations; urban program demonstrations; and to increase the diversity of CASA staff and volunteers. The National CASA also uses this federal funding to provide training and technical assistance to CASA programs, child welfare professionals, attorneys, judges, social workers, and volunteer advocates.¹⁴

Table 2 shows authorization and appropriation levels for the Court Appointed Special Advocates program. Federal funding of CASA programs has grown from half a million dollars in 1989 (before specific authorization was given by the Victims of Child Abuse Act) to nearly \$12 million in FY2006. Readers should note that certain funding reductions were applied in the legislation that appropriated funds for this program, and which were applicable to the program in FY2003 through FY2006. These reductions *are shown* in the table and are discussed in the table notes. However, for certain years the Department of Justice may have applied additional transfers of funds between programs; any of these funding changes are not shown.

¹² OJJDP *Annual Report 2002*, July 2004, Chapter 2.

¹³ Department of Justice, Office of Justice Programs, *FY2007 Performance Budget*, Feb. 2006, p.p. 205, 223.

¹⁴ For more information go to [<http://ojjdp.ncjrs.org/programs/ProgResults.asp>] and click on "Court Appointed Special Advocates."

Table 2. Authorized and Appropriated Funding for the Court Appointed Special Advocates (CASA) Program, as included in the Victims of Child Abuse Act

Amounts shown for FY2003 through FY2006 do reflect across-the-board funding reductions included in appropriations acts for each of those years.

Fiscal year	Authorization level	Appropriation
1989-1990 ^a	No specific CASA funding authorization was provided. However, under the general authority of Title II, part C of the Juvenile Justice and Delinquency Prevention Act, approximately \$500,000 was made available for CASA in each of these fiscal years.	
1991 ^a	\$5 million	\$750,000
1992 ^a	such sums as necessary	\$1 million
1993 ^a		\$2 million
1994		\$4.5million
1995	none	\$6.0 million
1996 ^b	\$6 million	\$6.0 million
1997 ^b	\$6 million	\$6.0 million
1998 ^b	\$7 million	\$7.0 million
1999 ^b	\$9 million	\$9.0 million
2000 ^b	\$10 million	\$10.0 million
2001	\$12 million	\$11.5 million
2002	\$12 million	\$12.0 million
2003	\$12 million	\$11.9 million ^c
2004	\$12 million	\$11.6 million ^d
2005	\$12 million	\$11.7 million ^e
2006	none	\$11.7 million ^f

Source: Congressional Research Service (CRS). Data for FY1989 through FY1993 is based on information provided by the U.S. Department of Justice. Information for FY1994 through FY2006 is based on appropriations acts for those years.

- a. Although the Victims of Child Abuse Act (P.L. 101-647) authorized funding for CASA as early as FY1991 no money was appropriated under this authority until FY1994. However, funding for CASA programs was provided in prior years out of money appropriated for Part C of the Juvenile Justice Delinquency and Prevention Act (as it was then written).
- b. The amount of funding for the CASA program was specified in the appropriations acts for each of these years but the money was derived from the Crime Victims Fund.
- c. The omnibus funding bill (P.L. 108-7) for FY2003 initially included \$11.975 million for CASA. However the bill also included an across-the-board funding reduction of 0.65% on most discretionary accounts, including this program. This reduced the actual appropriation for FY2003 to \$11.897 million.
- d. The omnibus funding bill (P.L. 108-199) for FY2004 initially included \$11.897 million for CASA. However, the bill also included an across-the-board funding reduction (on most discretionary accounts) of 0.59% and an additional reduction of 0.465% on Commerce-State-Justice programs. This reduced the actual appropriation for FY2004 to \$11.629 million.
- e. The omnibus funding bill (P.L. 108-447) for FY2005 initially included \$11.897 million for CASA. However, the bill also included an across-the-board funding reduction on most discretionary accounts of 0.80% and an additional reduction of 0.54% on Commerce-State-Justice programs, including this program. This reduced the actual appropriation for FY2005 to \$11.738 million.
- f. Subject to an across-the-board rescission of 0.28%, P.L. 109-108 provided \$11.897 million. This amount was further reduced by a 1% reduction in most FY2006 discretionary appropriations (P.L. 109-148), which brought the actual FY2006 funding to an estimated \$11.745 million.

Training Programs for Judicial Personnel and Practitioners

Citing an increase in abuse and neglect cases attributed to drug-related maltreatment of children and the new requirements placed on juvenile and family courts by the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272),¹⁵ Subtitle C of the Victims of Child Abuse Act of 1990 required the Department of Justice's OJJDP to "provide expanded technical assistance and training to judicial personnel and attorneys ... to improve the judicial system's handling of child abuse and neglect cases with specific emphasis on the role of the courts in addressing reasonable efforts that can safely avoid unnecessary and unnecessarily prolonged foster care placement."¹⁶ The statute authorizes grants for these purposes to be made to 1) national organizations to develop model technical assistance and training programs for these purposes; and 2) juvenile and family courts.

Congress has never appropriated separate funds under the authority of this act for grants to state courts. All funding under this authorization is awarded to the National Council of Juvenile and Family Court Judges. Drawing on the experience and reform initiatives in more than 30 Model Courts across the country, the National Council has developed publications, and provides technical assistance and training programs to improve handling of child abuse and neglect cases across the nation.¹⁷

Table 3 provides a funding history for this program authorization. Readers should note that certain funding reductions were applied in the legislation that appropriated funds for this program, and which were applicable to the program in FY2003 (0.65%), FY2004 (1.055%), FY2005 (1.34%) and FY2006 (1.28%). These reductions, which may or may not have been applied proportionately by the Department, *are not* reflected in the table below but are discussed in the table notes.

¹⁵ P.L. 96-272 significantly rewrote federal child welfare policy. The 1980 law revised Title IV-B of the Social Security Act, which deals with child welfare services broadly, established federal foster care as an independent program (in a new Title IV-E of the act), and created a new federal adoption assistance program (also in the new Title IV-E).

¹⁶ Among the requirements of P.L. 96-272 that affected courts, and which were noted by the Victims of Child Abuse Act, were 1) the determination of whether a child welfare agency has made reasonable efforts to prevent foster care placement; 2) approval of voluntary foster care placements; and 3) provision of procedural safeguards for parents when their parent-child relationship is affected.

¹⁷ For more information on model courts, go to the National Council of Juvenile and Family Court Judges website [<http://www.ncjfcj.org/content/blogcategory/117/156/>].

**Table 3. Authorization Level and Appropriations
for the Training Programs for Judicial Practitioners
and Personnel as Authorized by the Victims of Child Abuse Act**

*Amounts shown do not reflect any across-the-board funding reductions that were included
in some of the funding acts passed in these years*

Fiscal year	Authorization level	Appropriation
1991	authorized but not funded	
1992 ^a	\$10 million	\$500,000
1993 ^a	such sums as necessary	\$500,000
1994 ^a	such sums as necessary	\$500,000
1995	none	\$750,000
1996 ^a	\$750,000	\$750,000
1997	\$1 million	\$1 million
1998	\$2 million	\$2 million
1999	\$2 million	\$2 million
2000	\$2.3 million	\$2 million
2001	\$2.3 million	\$2 million
2002	\$2.3 million	\$2.3 million
2003	\$2.3 million	\$2.3 million ^b
2004	\$2.3 million	\$2.3 million ^c
2005	\$2.3 million	\$1.9 million ^d
2006	none	\$2.3 million ^e

Source: Congressional Research Service (CRS) based on appropriations acts and accompanying conference reports.

- a. For each of FY1991 through FY1994 the statute provided that of the total funding provided for grants to courts and for grants to a national organization to develop training and technical assistance, no less than 80% must be provided for the grants to state courts program. However funds appropriated in those years were all designated (in the appropriations acts) for training and technical assistance. P.L. 103-322 lowered the funding authorization level, beginning with FY1996 and removed the language that required a share of funds to be granted to state courts.
- b. The omnibus funding bill for FY2003 (P.L. 108-7) included an across-the-board funding reduction of 0.65% on most discretionary accounts, including this program. This reduction is not reflected in the table.
- c. The omnibus funding bill for FY2004 (P.L. 108-199) included an across-the-board funding reduction (on most discretionary accounts) of 0.59% and an additional reduction of 0.465% on Commerce-State-Justice programs. This reduction is not reflected in the table.
- d. The omnibus funding bill for FY2005 (P.L. 108-447) included an across-the-board funding reduction on most discretionary accounts of 0.80% and an additional reduction of 0.54% on Commerce-State-Justice programs, including this program. This reduction is not reflected in the table.
- e. Subject to a 0.28% across-the-board reduction, P.L. 109-108 appropriated \$2.287 million for this program. After applying the additional 1% across-the-board reduction on most FY2006 discretionary appropriations, final program funding is estimated to be \$2.258 million.

Certain Programs and Acts with Related Purposes

A number of programs, primarily within HHS, have similar or related purposes to those supported by the Victims of Child Abuse Act funding.

CAPTA and Multi-Disciplinary Approaches

The Child Abuse Prevention and Treatment Act (CAPTA) seeks to encourage multi-disciplinary approaches to study, prevent and respond to child abuse and neglect. The effort to establish multi-disciplinary teams to investigate child abuse and neglect, a primary aim of Children's Advocacy Centers, is echoed in CAPTA's state grant program. The program provides formula grant money to each eligible state to improve their child protective services generally, and lists among the approved uses of these funds, the creation and use of multi-disciplinary teams and interagency protocols to enhance child abuse investigations and to improve legal preparation and representation. However, CAPTA state grant money, which is administered by HHS, is also available for a wide range of additional activities intended to improve how states assess and investigate child abuse reports, including worker training, case management and tracking, and public education on the role of child protective services. In FY2006, a total of \$27.0 million was appropriated for CAPTA's state grants to improve child protective services, and the Administration has requested this same funding level for FY2007.

Children's Justice Act Grants

Section 107 of CAPTA now incorporates authorization for the Children's Justice Act grants. First authorized in 1986 by P.L. 99-401, these are formula grants to each eligible state for programs related to the investigation and prosecution of child abuse and neglect cases, including funds for handling of child maltreatment cases (especially cases of child sexual abuse and exploitation) in a way that limits additional trauma to the child victim; cases of suspected child maltreatment-related fatalities; and cases involving children with disabilities or serious health-related problems who are victims of child maltreatment and, finally, for the investigation and prosecution of child maltreatment cases (especially cases of child sexual abuse and exploitation). State eligibility for this grant money rests in part on establishment of a multi-disciplinary task force, including representatives of the law enforcement, judicial, mental health, health, and child protective services communities, as well as parents and others, to make recommendations regarding improving laws, regulations or protocols for the handling of child abuse and neglect cases and to recommend use of experimental or model programs for this purpose.

The grants are to be administered by HHS in consultation with the Department of Justice. Funding for the grants is not appropriated but is instead provided for in the Victims of Crime Act of 1984, which stipulates an annual set-aside out of the Crime Victims Fund of up to \$20 million. For FY2006, \$20 million is expected to be available from these non-appropriated funds. In recent years, \$17 million of this amount has been made available to eligible states (administered by HHS), and the remaining \$3 million has been distributed to tribes (and administered by the Department of Justice). As enacted in late December 2005 however, P.L. 109-162

permits the Department of Justice to set aside an additional part (5%) of this \$20 million for tribes. If the Department of Justice elects to make this additional set-aside, funds to states for Children’s Justice Act grants would be reduced to \$16 million, and the remaining \$4 million would be available to tribes.

CAPTA and Court Advocacy for Child Victims

As it was originally enacted in 1974, P.L. 93-247 made the appointment of a guardian *ad litem* for every abused or neglected child who was part of a judicial proceeding a condition of eligibility for CAPTA state grants. In 1996 amendments to CAPTA (P.L. 104-235), Congress specified that this guardian *ad litem* could be an attorney or a court-appointed special advocate and noted that the duties of this individual included obtaining a first hand, clear understanding of the situation and needs of the child and “to make recommendation to the court concerning the best interests of the child.” The 2003 amendments to CAPTA (P.L. 108-36) further amended this provision to require that this individual receive “training appropriate to the role.”

Strengthening Abuse and Neglect Courts and CASA

P.L. 106-314, The Strengthening Abuse and Neglect Courts Act of 2000 (SANCA) authorized an additional \$5 million for FY2001 through FY2005 for the Department of Justice to make grants to the National Court Appointed Special Advocate Association to expand recruitment for and the capacity of CASA programs in the 15 largest urban areas; to develop regional, multi-jurisdictional court-appointed special advocate programs serving rural areas; and to provide training and supervision of volunteers in court-appointed special advocate programs. This authority was separate from the provisions in the Victims of Child Abuse Act discussed earlier in this report; however, no funds were appropriated under this authority.

The Court Improvement Project

Improving court handling of child abuse and neglect cases is a primary purpose of the Court Improvement Project (CIP). Created in 1993 by P.L. 103-166, the Court Improvement Project has, since FY1995, provided grants to each state’s highest court for the court to conduct an assessment of its role, responsibilities and effectiveness in handling child welfare proceedings — including making determinations related to removal of a child from his/her home, terminating parental rights, and approving permanency goals — and to make needed improvements. Funds for this grant (\$12.9 million in FY2006), are set aside out of the Promoting Safe and Stable Families program, and are authorized through FY2006.¹⁸

The Deficit Reduction Act of 2005 (P.L. 109-171) amended the CIP to add two new kinds of court grants to 1) improve the training of judicial personnel and 2) to

¹⁸ The 2001 Promoting Safe and Stable Families Amendments (P.L. 107-133) moved the program authority for the Court Improvement Project, previously a free standing law, into a new Section 438 of the Social Security Act.

ensure that children's safety and permanency needs are acted on in a timely and complete manner. That law also appropriated a total of \$100 million for these grants for FY2006-FY2010. Eligible state highest courts may apply, separately, for one or all three of the CIP grants in FY2006. All CIP funds are distributed by formula to the highest court in each of the 50 states, the District of Columbia, and Puerto Rico.¹⁹ These changes, which were consistent with court-related recommendations made in May 2004 by the Pew Commission on Children in Foster Care,²⁰ were incorporated into S. 1679 (Senators DeWine and Rockefeller) and H.R. 3758 (Representative Schiff), introduced earlier in the 109th Congress.

Court and Child Welfare Agency Collaboration. The Deficit Reduction Act (P.L. 109-171), as also proposed by the Pew Commission on Children and Foster Care (and in S. 1679), enacted several measures designed to require and facilitate increased collaboration between courts and child welfare agencies, including amending certain state plan requirements to ensure that child welfare agencies and courts regularly meet to review policies and procedures, share data and information, provide joint training, and engage in other ongoing efforts to improve decisions and outcomes for children served by the child welfare system.²¹

SANCA and Court Processes

Citing in part the increased demands on courts expected to flow from the Adoption and Safe Families Act of 1997 (P.L. 105-89), P.L. 106-314 authorized several grant programs intended to improve the efficiency with which courts handled child abuse and neglect related cases. In addition to the authorization of additional CASA funding cited above, these included

- a \$10 million authorization for FY2001 and FY2002 for grants to state and local courts to reduce backlogs in handling of child abuse and neglect related cases (to be administered by the Department of Justice in consultation with HHS); and
- \$10 million for FY2001 through FY2005 for grants to state and local courts to develop, implement or enhance computer data collection and case-tracking systems (to be administered by the Department of Justice).

Through FY2005, Congress made one appropriation of funds (\$2 million in FY2002) to support the purposes of SANCA. Although the appropriation did not state which grant program was to be funded, the Department of Justice, OJJDP has awarded grants to local or state courts in six states (Colorado, Georgia, Idaho,

¹⁹ For more information on the Court Improvement Program see CRS Report RL33350 *Child Welfare: The Court Improvement Program*, by (name redacted).

²⁰ Pew Commission on Children in Foster Care, *Fostering The Future* (2003), pp. 34-47.

²¹ For more information on the court and child welfare agency collaboration provisions, see CRS Report RL33155, *Child Welfare: Foster Care and Adoption Assistance Provisions in Budget Reconciliation*, by (name redacted).

Florida, New Jersey and Virginia) for purposes that appear most closely related to the automated case tracking grant program authorized in SANCA.²²

Other Court-Related Child Welfare Legislation

Both S. 1679 (Senators DeWine and Rockefeller) and H.R. 3758 (Representative Schiff) are omnibus child welfare proposals concerned primarily with court/child welfare issues. While a number of their proposals were incorporated into the Deficit Reduction Act (discussed above), other proposed changes have not yet been acted upon.

Both H.R. 3758 and S. 1679 (like the Pew Commission on Children in Foster Care) would require courts to develop specific performance measures as a part of receiving funding to enable them to better track their court performance. (Development of performance measures by courts is not required by the Deficit Reduction Act as a condition of receiving funds to improve timely and complete decision-making on behalf of children.) Additionally, H.R. 3758 would also require the Government Accountability Office (GAO) to “conduct a study that compares States” with respect to each of the following issues: 1) legal representation provided to children; 2) children’s participation in their own cases; 3) preparation of dependency court judges; 4) case tracking and performance measurement; and 5) statewide collaborative foster care councils. The final report of the study would be due within one year of the legislation’s enactment.

With regard to collaboration between the court and child welfare agencies, S. 1679 makes several proposals that were not included in the Deficit Reduction Act. That bill would require that demonstration of court and child welfare agency collaboration be a mandatory review item in future Child and Family Service Reviews (CFSRs), and it would provide that 2% of funds appropriated for the Promoting Safe and Stable Families program (Subpart 2 of Title IV-B of the Social Security Act) be reserved to support such collaboration. Finally, S. 1679 would require the creation of a multi-disciplinary Commission on Child Welfare in each state (jointly chaired by the head of the child welfare agency and the state’s chief judge).

Other selected provisions. S. 1679 and H.R. 3758 also include provisions related to providing student loan forgiveness for attorneys who work on child abuse and neglect or related cases. (The attorney loan forgiveness provisions of S. 1679 are identical in effect to those of S. 1431, introduced earlier this session by Senator DeWine.) In addition, S. 1679 would require the state child welfare agency to develop and encourage the implementation of practice standards for its child welfare attorneys.

Separately, H.R. 3576, an omnibus child welfare measure introduced by Representative McDermott includes a provision that would amend Title IV-E of the

²² For more information, see information on the project at this website [http://www.ncsconline.org/WC/Publications/KIS_FamJusSANCAProject.pdf]

Social Security Act to permit state child welfare agencies to seek federal reimbursement for 75% of training costs for abuse and neglect court staff, agency attorneys, and attorneys representing children (including guardian ad litem or CASAs), as well as those representing parents.²³

Resources

The full text of the Victims of Child Abuse Act is available under “publications” on the House Education and the Workforce website. This compilation includes the law as currently authorized, except that it does not include amendments made by the PROTECT Act (P.L. 108-21), which primarily extended funding authorization for Children’s Advocacy Centers and related training and technical assistance through FY2004 and FY2005. Further, it does not indicate that the funding authorization for related training and technical assistance funds has been extended (FY2006-FY2010) and increased to \$7.5 million. Those provisions were included in the final version (enrolled) of H.R. 3402 as freestanding law.

The full text of the Child Abuse Prevention and Treatment Act (including program authority for Children’s Justice Act grants), as currently authorized, the Strengthening Abuse and Neglect Court Act, and the Court Improvement Project, are available via the U.S. Department of Health and Human Services Children’s Bureau website. (The Court Improvement Program language would be significantly altered by the Deficit Reduction Act of 2005 if it is enacted.) Web links are listed below.

- *Compilation of the Victims of Child Abuse Act (pp. 541-553)*
[<http://edworkforce.house.gov/publications/edcomps/vol6nutrition.pdf>].
- *P.L. 108-21 amendment to the Victims of Child Abuse Act not included in this compilation (Subtitle E, Section 381)*
[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:s151enr.txt.pdf].
- *Compilation of the Child Abuse Prevention and Treatment Act (CAPTA), including program authority for the Children’s Justice Act grants* [http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/capta03/capta_manual.pdf].
- *Text of the Strengthening Abuse and Neglect Act*
[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_bills&docid=f:s2272enr.pdf].

²³ Under Title IV-E, states currently may only claim the 75% reimbursement for training of agency staff and certain care providers, including prospective or current foster or adoptive parents. However, states may claim reimbursement of training costs for other relevant individuals (including court personnel) at the administrative reimbursement rate of 50%.

- Compilation of certain Social Security Act programs, including the Court Improvement Program (see Section 438) [http://www.acf.dhhs.gov/programs/cb/laws_policies/cblaws/safe2003.pdf].

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