



## Children's Justice & Advocacy Report

To promote community responsibility so every Pennsylvania child is protected from child abuse, including sexual abuse.

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### U.S. Senate Ends Stall on Justice for Victims of Trafficking Act

The Justice for Victims of Trafficking Act ([S. 178](#)) sailed through the United States Senate by a vote of 99 to 0 on April 22<sup>nd</sup>.

This convincing win in the Senate came after a significant saga that not only temporarily derailed S. 178, but also postponed a confirmation vote for Loretta Lynch, the first African American female Attorney General.

S. 178 was introduced by [Republican Senator Jon Cornyn](#) (R-Texas) and has more than [30 co-sponsors](#) from both sides of the political aisle, including Pennsylvania [Senators Bob Casey, Jr.](#) and [Pat Toomey](#). In other words, a third of the senators believe so strongly in the bill they co-sponsored it.

Earlier this year, the legislation didn't circumvent important procedural moves in the Senate. It was reported to the full Senate after winning unanimous approval in the Judiciary Committee.

Despite the strong bipartisan approach and commitment to follow Senate Rules, heated rhetoric and dug in heels emerged over the provision to create a Domestic Trafficking Victims' Fund.

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### Victim-Centered Block Grant Cornerstone of S. 178

In resolving the deep divide over the Domestic Trafficking Victims' Fund, the Senate found a path forward to finance a

Victim-Centered Child Human Trafficking Deterrence Block Grant Program. The Senate amended the Trafficking Victims Protection Act (TVPA) of 2000 to create the block grant. Senator Cornyn (R-TX) projects the added fees on criminal defendants will generate approximately \$30 million for the Victims' Fund.<sup>1</sup>

Up to \$7 million of the Fund would be directed into the Victim-Centered Block Grant, which would be administered by the Department of Justice (DOJ). Entities could apply "to develop, improve, or expand domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims' services organizations in collaborating to rescue and restore the lives of victims, while investigating and

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### Safe Harbor, Extended Civil State of Limitation, GAO Study of Victim Services Inserted into S. 178

Before finally advancing S. 178, the United States Senate agreed to a number of bipartisan amendments. In all there were 61 amendments<sup>2</sup> prepared to S. 178 with twenty-two offered on the floor. Ultimately 15 of the amendments were included in what the Senate passed on April 22<sup>nd</sup>. Among the supported amendments:

- **Safe Harbor for minor victims**—[Senator Amy Klobuchar \(D-MN\)](#) and

<sup>1</sup>

[http://www.cornyn.senate.gov/public/index.cfm?p=NewsReleases&ContentRecord\\_id=468da5c2-007b-4c61-9e1b-02b8eea9730e](http://www.cornyn.senate.gov/public/index.cfm?p=NewsReleases&ContentRecord_id=468da5c2-007b-4c61-9e1b-02b8eea9730e)

<sup>2</sup> <https://www.congress.gov/bill/114th-congress/senate-bill/178/amendments>

<sup>3</sup> <https://www.congress.gov/amendment/114th-congress/senate-amendment/296>

<sup>4</sup> Title 45: Public Welfare, PART 1340—Child Abuse and Neglect Prevention and Treatment. Read the

her 26 co-sponsors successfully advanced the provisions of a free-standing bill into S. 178.

The amendment ([#296](#))<sup>3</sup>, in the words of Klobuchar, was "about treating the children who are victims of these crimes as victims because that is what they are." She lamented that while 15 states have enacted Safe Harbor provisions and a dozen other states are exploring the possibility, the reality is that in most states "these kids can be prosecuted." The amendment aims to provide fiscal incentives to states that create a safe harbor for minors who have "engaged

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### CAPTA Regulations Deemed "Obsolete"

In the last month, the Administration for Children and Families (ACF) within the federal Department of Health and Human Services (HHS) published a notice that it is eliminating existing regulations governing the Child Abuse Prevention and Treatment Act (CAPTA).

The regulations<sup>4</sup> will cease to be in existence beyond June 29, 2015. <sup>5</sup>

President Richard Nixon signed CAPTA into law in January 1974. CAPTA regulations were put in place initially in 1983 and then updated in 1990. Since 1990, however, the

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regulations in their entirety at

<http://www.ecfr.gov/cgi-bin/text-idx?SID=d89dd30762ccdcfb591da080727b15cd&mc=true&node=pt45.4.1340&rgn=div5>

<sup>5</sup> Federal Register /Vol. 80, No. 60 /Monday, March 30, 2015. Find the notice at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-30/pdf/2015-07238.pdf>

CAPTA was

## ACF Seeks Comments on Public Disclosure “Challenges” in Child Abuse Fatality, Near-Fatality Cases

The day after ACF announced it was eliminating the CAPTA regulations, [public commented was invited](#)<sup>6</sup> to better understand how states are meeting the public disclosure provisions of CAPTA when a child dies or nearly dies from child abuse and neglect.

Specifically comments are being invited about a 2012 ACF answer in the [Child Welfare Policy Manual](#) related to interpreting the public disclosure provisions in CAPTA. ACF was asked to inform the states about the information that a “state must disclose to the public?” ACF responded:

*“Yes. States must develop procedures for the release of information including, but not limited to: the cause of and circumstances regarding the fatality or near fatality; the age*

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## Evidence-Based Home Visiting Gets Congressional Lifeline

In mid- April, President Obama [signed H.R. 2 Medicare Access and CHIP Reauthorization Act of 2015 into law](#).

Woven into H.R. 2 was a two-year extension of the Maternal, Infant and Early Childhood Home Visiting (MIECHV) Program. The legislation provides \$800 million (\$400 million/annually) for formula and competitive home visiting grants.

<sup>6</sup> <http://www.gpo.gov/fdsys/pkg/FR-2015-03-31/pdf/2015-07390.pdf>

PA has consistently been awarded competitive MIECHV funds, in addition to its formula dollars. Earlier this year, PA was notified that it would receive \$12.8 million in FY 2015 (\$9.4 million competitive and \$3.4 million through the formula funding).<sup>7</sup>

The state has directed its MIECHV funds into four programs:

1. Early Head Start (EHS)
2. Healthy Families America (HFA)
3. Nurse-Family Partnership (NFP)
4. Parents as Teachers (PAT)

The Office of Child Development and Early [Keep reading. become a subscriber!](#)

## Catholic Church paid \$150 Million to Respond to Clergy Sexual Abuse and Advance Child Protection Strategies

The United States Conference of Catholic Bishops [announced on April 17<sup>th</sup>](#) that the Catholic Church in the United States “spent a total of \$150,747,387 in costs related to child protection efforts and to allegations of clergy sexual abuse of minors in dioceses and religious orders between July 2013 and June 2014.”<sup>8</sup>

Approximately 21 percent of the spending was for the Catholic Church’s safe environment training programs, to conduct background checks and “other protective efforts.”

The remaining 80 percent or \$119,029,647 was directed to “settlements paid to victims, therapy for victims, attorneys’ fees and other costs related to allegations.”

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<sup>7</sup>[http://www.hrsa.gov/about/news/2015tables/hom\\_evisiting/](http://www.hrsa.gov/about/news/2015tables/hom_evisiting/)

<sup>8</sup> <http://www.usccb.org/news/2015/15-060.cfm>

## Children's Trust Fund RFA Released

The Pennsylvania Children's Trust Fund (CTF), which is overseen by a public/private board in collaboration with the Department of Human Services (DHS), has released its [2015 Request for Application](#) (RFA)<sup>9</sup>.

Programs providing primary and secondary child abuse and neglect prevention services are eligible to apply. The CTF RFA notes that research literature "strongly suggests that primary prevention is most often the least expensive and most effective means of solving a wide range of social problems." The RFA continues, "Primary and secondary prevention services take measures to keep abuse and neglect from occurring for the first time in a family and build on family strengths, as opposed to providing services following an [Keep reading, become a subscriber!](#)

## Fairness for Victims of Crime Act Introduced

Last week, Pennsylvania United States Senator Pat Toomey joined with 4 co-sponsors to introduce [S. 1071 – Fairness for Victims of Crime Act of 2015](#).<sup>10</sup>

The legislation amends the 1984 Victims of Crime Act "to expand the amount available to victims of child abuse, sexual assault, domestic violence, and other crimes."

Congress annually imposes a cap that has restricted the amount of VOCA resources available to directly aid crime victims. In FY 2014, the cap was rigidly set at \$745 million.

A well-organized and multi-year advocacy effort recently led Congress to raise the cap making \$2.361 billion in VOCA funding available in FY 2015. This increase was [Keep reading, become a subscriber!](#)

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<sup>9</sup><http://www.emarketplace.state.pa.us/Solicitations.aspx?SID=4-15>

<sup>10</sup><https://www.congress.gov/bill/114th-congress/senate-bill/1071/text>