



## About CAPTA: A Legislative History

The key federal legislation addressing child abuse and neglect is the Child Abuse Prevention and Treatment Act (CAPTA), originally enacted on January 31, 1974 (P.L. 93-247). This act has been amended several times and was last reauthorized on December 20, 2010, by the CAPTA Reauthorization Act of 2010 (P.L. 111-320). Most recently, certain provisions of the act were amended on May 29, 2015, by the Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) and on July 22, 2016, by the Comprehensive Addiction and Recovery Act of 2016 (P.L. 114-198).

CAPTA provides federal funding and guidance to states in support of prevention, assessment, investigation, prosecution, and treatment activities and also provides grants to public agencies and nonprofit organizations, including Indian tribes and tribal organizations, for demonstration programs and projects. Additionally, CAPTA identifies the federal role in supporting research, evaluation, technical assistance, and data collection activities; establishes the Office on Child Abuse and Neglect; and establishes a national clearinghouse of information relating to child abuse and neglect.<sup>1</sup> CAPTA also sets forth a federal definition of child abuse and neglect. In 2015, the federal definitions of “child abuse and neglect” and “sexual abuse” were expanded by the Justice for Victims of Trafficking Act to include a child who is identified as a victim of sex trafficking or severe forms of trafficking in persons.

The complete text of the law (U.S. Code title 42, chapter 67) can be downloaded from the Cornell University Legal Information Institute website at <https://www.law.cornell.edu/uscode/text/42/chapter-67>. The text of CAPTA as amended, including the Adoption Opportunities program and Abandoned Infants Assistance Act, as amended, is available on the Children’s Bureau website at <https://www.acf.hhs.gov/cb/resource/capta2016>.

<sup>1</sup> This clearinghouse operates as Child Welfare Information Gateway.

## Summary of Legislative History

The Child Abuse Prevention and Treatment Act (CAPTA) was originally enacted in P.L. 93-247. The act was later amended by the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (P.L. 95-266, 4/24/78). The law was completely rewritten in the Child Abuse Prevention, Adoption and Family Services Act of 1988 (P.L. 100-294, 4/25/88). It was further amended by the Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (P.L. 101-126, 10/25/89) and the Drug Free School Amendments of 1989 (P.L. 101-226, 12/12/89).

The Community-Based Child Abuse and Neglect Prevention Grants program was originally authorized by sections 402 through 409 of the Continuing Appropriations Act for FY 1985 (P.L. 98-473, 10/12/84). The Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (P.L. 101-126) transferred this program to the Child Abuse Prevention and Treatment Act, as amended.

A new title III, Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness, was added to the Child Abuse and Neglect Prevention and Treatment Act by the Stewart B. McKinney Homeless Assistance Act Amendments of 1990 (P.L. 101-645, 11/29/90).

CAPTA was amended and reauthorized by the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 (P.L. 102-295, 5/28/92) and amended by the Juvenile Justice and Delinquency Prevention Act Amendments of 1992 (P.L. 102-586, 11/4/92).

CAPTA was amended by the Older American Act Technical Amendments of 1993 (P.L. 103-171, 12/2/93) and the Human Services Amendments of 1994 (P.L. 103-252, 5/19/94).

CAPTA was further amended by the Child Abuse Prevention and Treatment Act Amendments of 1996 (P.L. 104-235, 10/3/96), which amended title I; replaced the Title II, Community-Based Family Resource Centers program, with a new Community-Based Family Resource and Support Program; and repealed Title III, Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness.

CAPTA was reauthorized and amended by the Keeping Children and Families Safe Act of 2003 (P.L. 108-36, 6/25/03), which amended title I and replaced Title II, Community-Based Family Resource and Support Program, with Community-Based Grants for the Prevention of Child Abuse and Neglect. CAPTA also was amended and reauthorized by the CAPTA Reauthorization Act of 2010 (P.L. 111-320, 12/20/10), which amended both titles I and II.

CAPTA was further amended by the Justice for Victims of Trafficking Act of 2015 (P.L. 114-22, 5/29/15). Effective May 2017, states are required, as part of their CAPTA state plans, to have in place provisions and procedures: 1) requiring identification and assessment of all reports involving children known or suspected to be victims of sex trafficking and 2) for training child protective services workers about identifying, assessing, and providing comprehensive services for children who are sex trafficking victims, including efforts to coordinate with state law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters. It also expanded the federal definition of "child abuse and neglect" and "sexual abuse" to include a child who is identified as a victim of sex trafficking or severe forms of trafficking in persons.

CAPTA was most recently amended by the Comprehensive Addiction and Recovery Act of 2016 (P.L. 114-198, 7/22/16). Title V, section 503 of the act modified the CAPTA state plan requirement for infants born and identified as being affected by substance abuse or withdrawal symptoms or Fetal Alcohol Spectrum Disorder by adding criteria to state plans to ensure the safety and well-being of infants following the release from the care of health-care providers, to address the health and substance use disorder treatment needs of the infant and affected family or caregiver, and to develop the plans of safe care for infants affected by all substance abuse (not just illegal substance abuse as was the requirement prior to this change).

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