



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The key Federal legislation addressing child abuse and neglect is the Child Abuse Prevention and Treatment Act (CAPTA), originally enacted on January 31, 1974 (P.L. 93-247).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). It was amended in 2015, 2016, and 2018, and most recently, certain provisions of the act were amended on January 7, 2019, by the Victims of Child Abuse Act Reauthorization Act of 2018 (P.L. 115-424).

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.¹ 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 official text of the law can be found on the website of the U.S. Government Printing Office at [42 U.S.C. chapter 67](#), sections 5101–5116i. The text of CAPTA, including the Adoption Opportunities program, as amended, is available on the Children’s Bureau website.

¹ This clearinghouse operates as Child Welfare Information Gateway.

Summary of Legislative History

CAPTA was originally enacted in P.L. 93-247. The Adoption Opportunities Program was added when the act was amended by the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (P.L. 95-266, 4/24/1978). Additional requirements were added by the Child Abuse Amendments of 1984 (P.L. 98-457, 10/9/1984). The Children's Justice Act program was added to CAPTA by the Children's Justice and Assistance Act of 1986 (P.L. 99-401, 8/27/1986). CAPTA was completely rewritten in the Child Abuse Prevention, Adoption, and Family Services Act of 1988 (P.L. 100-294, 4/25/1988). It was further amended by the Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (P.L. 101-126, 10/25/1989) and the Drug Free School Amendments of 1989 (P.L. 101-226, 12/12/1989).

The Community-Based Child Abuse and Neglect Prevention Grants program was originally authorized by sections 402 through 409 of the Continuing Appropriations Act for Fiscal Year 1985 (P.L. 98-473, 10/12/1984). The Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (P.L. 101-126) transferred this program to CAPTA, 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 Amendments Act of 1990 (P.L. 101-645, 11/29/1990).

During the 1990s, CAPTA was amended by a series of acts, including the following:

- The Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 (P.L. 102-295, 5/28/1992)
- The Incentive Grants for Local Delinquency Prevention Programs Act (P.L. 102-586, 11/4/1992)
- The Older Americans Act Technical Amendments of 1993 (P.L. 103-171, 12/2/1993)
- The Human Services Amendments of 1994 (P.L. 103-252, 5/19/1994)
- The Child Abuse Prevention and Treatment Act Amendments of 1996 (P.L. 104-235, 10/3/1996), which amended title I and replaced the title II, Community-Based Family Resource Centers program, with a new Community-Based Family Resource and Support program

The Keeping Children and Families Safe Act of 2003 (P.L. 108-36, 6/25/2003) amended and reauthorized CAPTA. The act 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, 12/20/2010), 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, 5/29/2015). Effective May 2017, States are required, as part of their CAPTA State plans, to have in place the following provisions and procedures: (1) a requirement to identify and assess all reports involving children known or suspected to be victims of sex trafficking and (2) to train 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 services 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.

Additional amendments were made by the Comprehensive Addiction and Recovery Act of 2016 (P.L. 114-198, 7/22/2016). Title V, section 503, of the act modified the CAPTA State plan requirement for infants born and identified as being affected by substance use or withdrawal symptoms or fetal alcohol spectrum disorders by adding criteria to State plans

to ensure the safety and well-being of infants following their 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 use (not just the use of illegal substances, as was the requirement prior to this change).

CAPTA was further amended by the Substance Use-Disorder Prevention That Promotes Opioid Recovery and Treatment for Patients and Communities Act or the SUPPORT for Patients and Communities Act (P.L. 115-271, 10/24/2018). Section 7065(a) amended section 105 (42 U.S.C. § 5106) of CAPTA to authorize grants to States for the purpose of assisting child welfare agencies, social services agencies, substance use disorder treatment agencies, hospitals with labor and delivery units, medical staff, public health and mental health agencies, and maternal and child health agencies to facilitate collaboration in developing, updating, implementing, and monitoring plans of safe care. Section 7065(b) of the act repealed the Abandoned Infants Assistance Act of 1988 (42 U.S.C. § 5117aa, et seq.).

CAPTA was most recently amended by the Victims of Child Abuse Act Reauthorization Act of 2018 (P.L. 115-424, 1/7/2019). The law amends section 106(b)(2)(B)(vii) of CAPTA to provide immunity from civil and criminal liability (it previously provided immunity from only prosecution) for people who make good-faith child abuse or neglect reports or who provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good-faith report of child abuse or neglect.

Suggested Citation:

Child Welfare Information Gateway. (2019). *About CAPTA: A legislative history*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

