

<h1>ACF</h1> Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children, Youth and Families	
	1. Log No: ACYF-CB-PI-99-09	2. Issuance Date: June 2, 1999
	3. Originating Office: Children's Bureau	
	4. Key Words: CAPTA; Child Abuse and Neglect State Grants; Citizen Review Panels Amendment to ACYF-PI-CB-98-01, Dated January 7, 1998	

PROGRAM INSTRUCTION

TO: The State Office, Agency, or Organization Designated by the Governor to Apply for a State Child Abuse and Neglect Grant

SUBJECT: Amendment to ACYF-PI-CB-98-01, Dated January 7, 1998 with Respect to the Functions Each Citizen Review Panel Established Under the Child Abuse Prevention and Treatment Act Must Perform

LEGAL REFERENCES: Sections 106(b)(2)(A)(x) and 106(c) of the Child Abuse Prevention and Treatment Act, as amended (42 U.S.C. 5101 et seq.); and ACYF-PI-CB-98-01, dated January 7, 1998

PURPOSE: The purpose of this Program Instruction (PI) is to rescind the policy set forth in the second paragraph of the "**Panel Requirements**" section on pages 3-4 of ACYF-PI-CB-98-01, dated January 7, 1998, with respect to the functions each panel must perform. This issuance amends that policy by allowing States more flexibility in establishing the tasks to be performed by the citizen review panels. This issuance does not supersede the aforementioned issuance in its entirety; only the so-noted paragraph.

BACKGROUND: Under existing policy, each citizen review panel established by the State to meet the requirement of section 106(b)(2)(A)(x) of the Child Abuse Prevention and Treatment Act (CAPTA) must perform all of the functions described in section 106(c)(4)(A) of the statute. Specifically, under existing policy each citizen review panel must evaluate the extent to which the agency is fulfilling its child protection responsibilities under the States CAPTA plan by:

- examining State and local policies and procedures;
- reviewing specific cases, when appropriate; and
- reviewing other criteria the panel determines important to the protection of children, including (1) a review of the extent to which the State child protective services system is

coordinated with the title IV-E foster care and adoption assistance programs; and (2) a review of child fatalities and near fatalities.

We have been advised that this requirement creates an undue duplication of effort for some States. Some States, for example, have specialized child fatality review teams that review all the child fatalities and near fatalities in the State. It has been suggested that in a State that has such a child fatality review team, it is a burdensome and unnecessary duplication of effort to require each of the citizen review panels established in accordance with section 106(b)(2)(A)(x) to also review these child fatalities and near fatalities.

In addition, we have heard that some States are reluctant to use their child fatality review teams to meet the citizen review panel requirement of CAPTA. These States consider it inappropriate to expect their specialized child fatality review teams to perform the other duties required of a citizen review panel. Some States suggest that information from child fatality review teams could be made available to the citizen review panels to enable these panels to make informed recommendations on the extent to which the State is fulfilling its child protection responsibilities under its CAPTA plan.

We find these arguments compelling and, therefore, have decided to reverse our policy with respect to two of the functions that each panel must perform to satisfy the requirements set forth in section 106(c)(4)(A) of CAPTA. Accordingly, we will read section 106(c)(4)(A)(iii) of CAPTA as permissive rather than mandatory. The following instruction provides the amended policy.

INSTRUCTION:

Panel Requirements

The revised second paragraph reads:

Pursuant to sections 106(c)(4)(A)(i) and (ii) of CAPTA, **each panel must** evaluate the extent to which the State is fulfilling its child protection responsibilities in accordance with its CAPTA State plan by: (1) examining the policies and procedures of State and local agencies, and (2) reviewing specific cases, where appropriate. In addition, consistent with section 106(c)(4)(A)(iii) of CAPTA, a panel **may** review other criteria that it considers important to ensure the protection of children, including the extent to which the State CPS system is coordinated with the title IV-E foster care and adoption assistance programs of the Social Security Act, and the child fatalities and near fatalities in the State.

INQUIRIES TO:

Regional HUB Directors/Regional Administrators, Regions I - X

/s/

Patricia Montoya

Commissioner

Administration on Children, Youth and Families