

117TH CONGRESS  
1ST SESSION

# H. R. 879

To amend the Child Abuse Prevention and Treatment Act with respect to infants born with and identified as being affected by substance use or withdrawal symptoms, Neonatal Abstinence Syndrome, or Fetal Alcohol Spectrum Disorder, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2021

Ms. JAYAPAL (for herself and Mr. GUTHRIE) introduced the following bill;  
which was referred to the Committee on Education and Labor

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## A BILL

To amend the Child Abuse Prevention and Treatment Act with respect to infants born with and identified as being affected by substance use or withdrawal symptoms, Neonatal Abstinence Syndrome, or Fetal Alcohol Spectrum Disorder, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. GRANTS TO STATES.**

4 Paragraph (2) of section 106(b) of the Child Abuse  
5 Prevention and Treatment Act (42 U.S.C. 5106a(b)) is  
6 amended—

7 (1) in subparagraph (B)—

1 (A) by striking clauses (ii) and (iii); and

2 (B) by redesignating clauses (iv) through

3 (xxv) as clauses (ii) through (xxiii), respectively;

4 and

5 (2) in subparagraph (D)—

6 (A) by redesignating clauses (i) through

7 (vi) as clauses (iii) through (viii), respectively;

8 and

9 (B) by inserting before clause (iii), as so  
10 redesignated:

11 “(i) policies and procedures (including  
12 appropriate referrals to child welfare serv-  
13 ice systems and for other appropriate serv-  
14 ices (including home visiting services and  
15 mutual support and parent partner pro-  
16 grams) determined by a family assessment)  
17 to address the needs of infants born with  
18 and identified as being affected by sub-  
19 stance use or withdrawal symptoms result-  
20 ing from prenatal drug exposure, or a  
21 Fetal Alcohol Spectrum Disorder, includ-  
22 ing a requirement that health care pro-  
23 viders involved in the delivery or care of  
24 such infants notify the child protective wel-  
25 fare service system of the occurrence of

1 such condition in such infants, except  
2 that—

3 “(I) child protective services shall  
4 undertake an investigation only when  
5 the findings of a family assessment  
6 warrant such investigation; and

7 “(II) such notification shall not  
8 be construed to—

9 “(aa) establish a definition  
10 under Federal law of what con-  
11 stitutes child abuse or neglect; or

12 “(bb) require prosecution for  
13 any illegal action;

14 “(ii) the development of a multi-dis-  
15 ciplinary plan of safe care for the infant  
16 born and identified as being affected by  
17 substance use or withdrawal symptoms or  
18 a Fetal Alcohol Spectrum Disorder to en-  
19 sure the safety and well-being of such in-  
20 fant following release from the care of  
21 health care providers, including through—

22 “(I) using a risk-based approach  
23 to develop each plan of safe care;

24 “(II) addressing, through coordi-  
25 nated service delivery, the health and

1 substance use disorder treatment  
2 needs of the infant and affected fam-  
3 ily or caregiver as determined by a  
4 family assessment; and

5 “(III) the development and im-  
6 plementation by the State of moni-  
7 toring systems regarding the imple-  
8 mentation of such plans of safe care  
9 to determine whether and in what  
10 manner local entities are providing, in  
11 accordance with State requirements,  
12 referrals to and delivery of appro-  
13 priate services for the infant and af-  
14 fected family or caregiver;”.

15 **SEC. 2. GUIDANCE AND TECHNICAL ASSISTANCE.**

16 Section 114(1) of the Child Abuse Prevention and  
17 Treatment Act (42 U.S.C. 5108(1)) is amended—

18 (1) in each of subparagraphs (A) and (B), by  
19 striking “and” at the end; and

20 (2) by adding at the end the following:

21 “(C) include written guidance and tech-  
22 nical assistance to support States, which shall  
23 include guidance on the requirements of this  
24 Act with respect to infants born with and iden-  
25 tified as being affected by substance use or

1 withdrawal symptoms, Neonatal Abstinence  
2 Syndrome, or Fetal Alcohol Spectrum Disorder,  
3 as described in clauses (i) and (ii) of section  
4 106(b)(2)(D), including by—

5 “(i) enhancing States’ understanding  
6 of requirements and flexibilities under the  
7 law, including by clarifying key terms;

8 “(ii) addressing State-identified chal-  
9 lenges with developing, implementing, and  
10 monitoring plans of safe care; and

11 “(iii) disseminating best practices on  
12 implementation of plans of safe care, on  
13 such topics as differential response, col-  
14 laboration and coordination, and identifica-  
15 tion and delivery of services for different  
16 populations, while recognizing needs of dif-  
17 ferent populations and varying community  
18 approaches across States; and

19 “(D) include the submission of a report to  
20 the Committee on Education and Labor of the  
21 House of Representatives and the Committee  
22 on Health, Education, Labor, and Pensions of  
23 the Senate not later than 1 year after the date  
24 of the enactment of this Act that contains a de-  
25 scription of the activities taken by the Secretary

1 to comply with the requirements of subpara-  
2 graph (C); and”.

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