

MAJORITY MEMBERS:

JOHN KLINE, MINNESOTA, *Chairman*

JOE WILSON, SOUTH CAROLINA  
VIRGINIA FOXX, NORTH CAROLINA  
DUNCAN HUNTER, CALIFORNIA  
DAVID P. ROE, TENNESSEE  
GLENN THOMPSON, PENNSYLVANIA  
TIM WALBERG, MICHIGAN  
MATT SALMON, ARIZONA  
BRETT GUTHRIE, KENTUCKY  
TODD ROKITA, INDIANA  
LOU BARLETTA, PENNSYLVANIA  
JOSEPH J. HECK, NEVADA  
LUKE MESSER, INDIANA  
BRADLEY BYRNE, ALABAMA  
DAVID BRAT, VIRGINIA  
BUDDY CARTER, GEORGIA  
MICHAEL D. BISHOP, MICHIGAN  
GLENN GROTHMAN, WISCONSIN  
STEVE RUSSELL, OKLAHOMA  
CARLOS CURBELO, FLORIDA  
ELISE STEFANIK, NEW YORK  
RICK ALLEN, GEORGIA



COMMITTEE ON EDUCATION  
AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA  
*Ranking Member*

RUBÉN HINOJOSA, TEXAS  
SUSAN A. DAVIS, CALIFORNIA  
RAUL M. GRIJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
MARCIA L. FUDGE, OHIO  
JARED POLIS, COLORADO  
GREGORIO KILILI CAMACHO SABLAN,  
NORTHERN MARIANA ISLANDS  
FREDERICA S. WILSON, FLORIDA  
SUZANNE BONAMICI, OREGON  
MARK POCAN, WISCONSIN  
MARK TAKANO, CALIFORNIA  
HAKEEM S. JEFFRIES, NEW YORK  
KATHERINE M. CLARK, MASSACHUSETTS  
ALMA S. ADAMS, NORTH CAROLINA  
MARK DeSAULNIER, CALIFORNIA

January 15, 2016

The Honorable Sylvia Burwell  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue S.W.  
Washington, D.C. 20201

Dear Secretary Burwell:

The Department of Health and Human Services is tasked with coordinating and administering the federal government's efforts to prevent child abuse. We are deeply concerned the Department may not be properly enforcing the *Child Abuse Prevention and Treatment Act* (CAPTA or the law) to ensure the basic requirements of the law are being followed. To help address these concerns, please provide the committee with information regarding the Department's implementation and enforcement of the law.

In order to receive federal funds under the law, a state must make a number of assurances to the Department concerning its child welfare laws and policies. For example, a state must make an assurance that it has policies and procedures in place to address the needs of infants identified at birth with the effects of illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. A state must also make an assurance that it has policies requiring notification to the state child protective services agency when such a newborn has been identified, as well as the development of a "safe care plan" for the newborn. States develop the specific details concerning how these requirements are implemented and enforced at the state level. However, CAPTA does require at a minimum that states have these policies in place before receiving federal funds.

A Reuters' investigation released in December cast serious doubts over whether these basic requirements in federal law are being followed. According to this year-long investigation, some states are not enforcing their own policies concerning the notification of child protective services or the development of safe care plans. Even more troubling, according to the Reuters' report, there are some states that have failed to put these policies in place altogether, yet not a single state is being denied CAPTA funds. The Reuters' investigation reveals the shocking and deadly consequences when these vital federal and state child welfare policies are not properly implemented and enforced. The current system is clearly not serving the best interests of these vulnerable children and mothers.

To understand the Department's process in reviewing and approving state plans under CAPTA, please respond to the following questions.

1. What is the review process for state plans? How often are the state plans reviewed?
2. What steps does the Department take to ensure that each state plan is meeting the basic requirements under CAPTA?
3. How does the Department work with states to address deficiencies if state plans are determined to be out of compliance with the law?
4. If a state plan is determined to be out of compliance and the state does not make efforts to change its plan to comply with the CAPTA requirements, what action does the Department take?
5. How does the Department review whether the state plans accurately reflect the actual policies in the state, and does the Department conduct any review of whether state policies are being enforced at the state level?

Please respond to these questions no later than February 1, 2016. Thank you for your attention to this matter, and we look forward to working with you to ensure these important policies are protecting the women and children they are intended to serve. If you have any questions, please contact Leslie Tatum or James Forester, with the Committee staff, at (202) 225-4527.

Sincerely,

  
\_\_\_\_\_  
JOHN KLINE  
Chairman

Committee on Education and the Workforce

  
\_\_\_\_\_  
TODD ROKITA  
Chairman

Subcommittee on Early Childhood,  
Elementary and Secondary Education