

# Child Welfare Policy Manual

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## Questions & Answers

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### 2.2 CAPTA, Citizen Review Panels

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**1. Question: How will States know how many citizen review panels they must establish to meet the requirements of section 106(c)(1)(A)-(B) since that number is dependent upon the amount of funds received by the State under the Community-Based Grants for the Prevention of Child Abuse and Neglect Program under Title II of CAPTA?**

**Answer:** CAPTA requires that States establish a minimum of three citizen review panels. The only exception to this requirement is for States that receive the minimum allotment of \$175,000 under Title II of CAPTA, and they are required to establish no less than one citizen review panel.

The Department has notified States in writing regarding whether one or three panels will be required in each State.

- **Source/Date:** ACYF-NCCAN-PIQ-97-01 (3/4/97); updated 2/3/05
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) - section 106(c)(1)(A)-(B) and Title II

**2. Question: Do States have the flexibility to determine how to implement the citizen review panels requirement in section 106(b)(2)(B)(xiv) of CAPTA?**

**Answer:** Yes. States have the flexibility to implement the citizen review panel requirement in ways that best meet their needs, so long as the panels meet the requirements set forth under section 106 (c) of CAPTA.

States should pay particular note to section 106 (c)(2) of CAPTA which specifies the requirements for membership of the panel. We encourage the States to give special attention to the qualifications of the panelists to review complex cases of child maltreatment, including a balance among children's attorneys, child advocates and CASA volunteers who are familiar with the difficulties of the child protection system.

- **Source/Date:** ACYF-NCCAN-PIQ-97-01 (3/4/97); updated 9/27/11
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) - sections 106(b)(2)(B)(xiv) and (c)(2)

**3. Question: What are the functions that citizen review panels must perform?**

**Answer:** Pursuant to sections 106(c)(4)(A)(i) and (ii) of the Child Abuse Prevention and Treatment Act (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, procedures and practices of State and local child protection agencies, and (2) reviewing specific cases, where appropriate. In addition, consistent with section 106(c)(4)(A)(iii) of CAPTA, a panel may examine other criteria that it considers important to ensure the protection of children, including the extent to which the State and local CPS system is coordinated with the title IV-E foster care and adoption assistance programs of the Social Security Act. This provision also authorizes the panels to review the child fatalities and near fatalities in the State.

In order to assess the impact of current procedures and practices upon children and families in the community and fulfill the above requirements, citizen review panels must provide for public outreach and comment (section 106(c)(4)(C) of CAPTA). Finally, each panel must prepare an annual report that summarizes the activities of the panel and makes recommendations to improve the CPS system at the State and local levels, and submit it to the State and the public (section 106(c)(6) of CAPTA).

- **Source/Date:** ACYF-CB-PI-99-09 (6/2/99); updated 3/22/06
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) - section 106(c)

**4. Question: Section 106 (c)(5) of CAPTA requires States to provide citizen review panels with access to information on cases that the panel wants to review "if such information is necessary for the panel to carry out its functions". Who determines what confidential information is necessary for these functions?**

**Answer:** The Congress intended that citizen review panels be established to evaluate the extent to which States are meeting the goals of protecting children and their responsibilities related to the State plan. In carrying out these responsibilities, it is important for the review panels to have access to confidential information, as necessary, to assist in their duties. The intent of section 106 (c)(5) was to direct States to provide the review panels with information that the panel determines is necessary to carry out these functions (Congressional Record - House, September 25, 1996, p. H11149).

- **Source/Date:** ACYF-NCCAN-PIQ-97-01 (3/4/97); updated 2/3/05
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) - section 106(c)(5)

**5. Question: Do the confidentiality requirements in the Child Abuse Prevention and Treatment Act apply to the members of citizen review panels?**

**Answer:** Citizen review panel members are bound by the confidentiality restrictions in section 106 (c)(4)(B)(i) of CAPTA. Specifically, members and staff of a panel may not disclose identifying information about any specific child protection case to any person or government official, and may not make public other information unless authorized by State statute to do so. Further, section 106 (c)(4)(B)(ii) of CAPTA requires States to establish civil sanctions for violations of these confidentiality restrictions. States that already have civil sanctions in place for breaches of confidentiality need not enact new legislation, so long as their existing provisions encompass the CAPTA requirements.

- **Source/Date:** ACYF-BC-PI-98-01 (1/7/98); updated 9/27/11
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) - section 106(c)(4)(B)

**6. Question: Must a State include families who are involved with the Child Protective Services (CPS) agency as members of its citizen review panels?**

**Answer:** The provision at section 106(c)(2) of the Child Abuse Prevention and Treatment Act requires that members of the citizen review panels be broadly representative of the community in which the panel is established and include members with expertise in the prevention and treatment of child abuse and neglect. There is no requirement that families involved with CPS be part of the citizen review panel.

- **Source/Date:** 05/02/06
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) § section 106(c)(2)