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attention should be given to those laws and regulations that impose criminal penalties for failure to report child abuse. in some states, child abuse reporting laws are designed to compel reporting of suspected child abuse through the threat of criminal prosecution. the department's proposed rule under the child abuse reporting act would prohibit the enforcement of such laws by entities receiving federal financial assistance, including public entities and private entities acting in an adjudicatory capacity, and would thus relieve child protective service agencies and state and local law enforcement officials of such reporting requirements. if the department issued a regulation requiring all states to eliminate criminal penalties for failure to report child abuse, it could potentially impact up to 15,000 state and local law enforcement agencies. the department also considered issuing a regulation that would prohibit states from prosecuting individuals who fail to report child abuse. the department believes that the rulemaking process provides a more balanced and efficient approach than one based on individual states' enforcement of a "one-size-fits-all" reporting law. the department considered the standards, definitions, and technical assistance materials related to the regulations and rules in this proposed rule, particularly those standards included in sections 36.102, 36.104, and 36.130 that are referenced by the head start regulations in 45 cfr 76.105, 76.102, and 76.111, respectively. in evaluating potential compliance costs, the department considered (1) the proposed rule as a whole, (2) potential indirect compliance costs and the potential benefits of these costs, and (3) the costs and benefits of any compliance strategies that would address the requirements in the proposed rule. the agency does not believe that any direct compliance costs related to this proposed rule are significant. however, the department believes that indirect costs related to the proposed rule would be significant. these indirect costs include requirements to adjust plans and operations, pay additional costs associated with changes in program services, close programs, hire personnel, and to continue to address the needs of children and their families. further, any costs that result from, or are associated with, the enforcement of these rules would increase as they are implemented. as a result, this rule may reduce benefit levels for families that are served by head start programs and could increase rates of family homelessness. to the extent that reduced benefit levels result in reduced services or in the loss of benefits, the administration believes that the rule is not in the public interest.



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