



## **Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183)**

*This bill represents a bipartisan agreement reached by Committees of jurisdiction in the House and Senate. The bill includes reconciled differences on three bills previously approved by the House (H.R. 1896, H.R. 3205, and H.R. 4058) and the Senate Finance Committee (S. 1876, S. 1877, and S. 1878).*

*The reconciled bill (H.R. 4980) became law on September 29, 2014.*

*This bill includes many important policy advancements that have been favorably advocated by Voice for Adoption (VFA).*

### **The bill has three titles:**

Title 1: Protecting children and youth at risk of sex trafficking

Title 2: Improving Adoption Incentives and extending Family Connections Grants

Title 3: Improving international child support recovery

### **Title 1: Protecting Children and Youth at Risk of Sex Trafficking**

#### **IDENTIFYING & PROTECTING VICTIMS**

*Sec. 101 Identifying, documenting, and determining services for children and youth at risk of sex trafficking*

After 1 year of enactment, States must develop (in coordination with local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk children and youth) policies and procedures for identifying, documenting and determining appropriate services to children who the state has reasonable cause to believe are victims, or are at-risk of becoming victims of sex trafficking. This applies to any child or youth over whom the state agency has responsibility for placement, care, or supervision. States have the option to also serve any individual up to age 26, without regard to whether the individual is or was in foster care. After 2 years of enactment States must demonstrate to the Secretary (HHS) that the child welfare agency is implementing the policies and procedures developed under this section.

*Sec. 102 Reporting instances of sex trafficking*

After 2 years of enactment, states must immediately report (within 24 hours) children under the responsibility of the state who are identified as sex trafficking victims to law enforcement. Following 3 years enactment, and annually thereafter, states must report the total number of youth sex trafficking victims to the Secretary (HHS). After 4 years enactment, and annually thereafter, the HHS must report this data to Congress and make it available to the public on the HHS website.



*Sec. 103 Including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System (AFCARS)*

States will be required to submit data (through AFCARS) on the annual number of children in foster care who are identified as victims of sex trafficking including the number of children who were victims before entering foster care and those who became victims while in foster care.

*Sec. 104 Locating and responding to children who run away from foster care*

Not later than 1 year enactment, states must develop and implement plans to expeditiously locate any child missing from foster care; determine the primary factors that contribute to the child's running away or being absent from foster care; determine the child's experiences while absent from foster care, including screening whether the child was a victim of sex trafficking; and related information required by HHS.

No later than 2 years enactment, the state agency must report within 24 hours of receiving information on missing or abducted children to the law enforcement authorities, so it can be entered into the National Crime Information Center (NCIC) database and the National Center for Missing and Exploited Children.

*Sec. 105 Increasing information on children in foster care to prevent sex trafficking*

No later than 2 years enactment, using the data reported under AFCARS, HHS must report to Congress on children who run away from foster care and their risk of becoming victims of sex trafficking. These reports should include information on characteristics of the children who run away, potential factors associated with children running away from care, information on children's experiences while absent from care, and trends in the number of runaways in each fiscal year. The report must also summarize the information on state efforts to provide specialized services, foster family homes, child care institutions, or other placement options to child victims of sex trafficking, and information on state efforts to ensure children in foster care form and maintain long-lasting connections to caring adults.

## **IMPROVING OPPORTUNITIES & SUPPORTING PERMANENCY**

*Sec. 111 Supporting normalcy for children in foster care*

States are required to institute a "reasonable and prudent parent standard" for decisions made by a foster parent or a designated official for a child-care institution. The standard would allow caretakers to make parental decisions that maintain the health, safety, and best interest of the child and also decisions about the child's participation in extracurricular, enrichment, cultural, and social activities. HHS will provide technical assistance to States on best practices to assist foster parents in applying the reasonable and prudent parent standard in a way that protects child safety while also allowing them to experience normalcy, and also takes into consideration the concerns of the biological parents related to participation in activities (*understanding these concerns won't necessarily determine the participation of the child in any activities*). This provision also ensures that policies set will include appropriate liability for caregivers who approve a



child's participation in an activity in accordance with the reasonable and prudent parent standard.

*The term "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a care-giver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.*

*Sec. 112 Improving another planned permanent living arrangement as a permanency option*

Eliminates the permanency plan "Another Planned Permanent Living Arrangement" (APPLA) for any child under the age of 16 and adds case planning and review requirements for approving the plan for older youth. For approving the plan for youth above 16, at each permanency hearing the state agency must provide documentation of intensive, ongoing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.

At each permanency hearing the agency is required to ask the child about the child's desired permanency outcome, make a judicial determination explaining why APPLA is still the best permanency plan for a youth over 16 and why it is not in the best interest of the child to be returned home, adopted, placed with a legal guardian, or placed with a fit and willing relative.

This provision does not apply until 3 years post-enactment for any child in foster care under the responsibility of an Indian tribe, tribal organization or tribal consortium.

*Sec. 113 Empowering foster children age 14 and older in the development of their own case plan and transition planning for a successful adulthood*

A child age 14 years and older shall be involved in the development of their case plan. The youth has the option to choose and involve 2 members of their case planning team who are not a foster parent of, or caseworker for, the child. (*A State may reject an individual selected by a child at any time if the State has good cause to believe that the individual would not act in the best interests of the child*). One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.

The case plan for all children ages 14 and older must also include a "List of Rights" document that describes their rights with respect to education, health, visitation, court participation, the documents outlined in Section 114 of the law (see section below), staying safe, and avoiding exploitation. This shall include a signed acknowledgment by the child that the child has been provided with a copy of the document and that the rights



contained in the document have been explained to the child in an age-appropriate way. No later than two years after enactment, HHS must submit a report to Congress regarding the implementation of this provision and a description of best practices for administering this requirement.

*Sec. 114 Ensuring foster children have a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or equivalent State-issued identification card*

For youth exiting foster care at 18 years old and *who have been in foster care for at least 6 months* (or older if the state take the option to extend foster care to 21) it is required that states do not discharge them without being provided with an official or certified copy of the United States birth certificate (if the child is eligible to receive such document), a social security card, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued by a state.

*Sec. 115 Information on children in foster care in annual reports using AFCARS data; consultation*

HHS must report state level data on children in foster care placed in child care institutions or other group care settings that are not foster family homes as part of the annual report on outcomes for children in foster care. This data must include:

- the number of children in placements and their ages,
- the number and ages of children with a permanency goal of APPLA,
- the duration of the placements,
- the types of child care institutions used and the number of children residing in each such institution,
- any clinically diagnosed special needs of such children,
- services and treatment provided in these settings,
- the number of children in foster care who are pregnant or parenting

HHS must also consult with states, child welfare organizations, and Members of Congress about other issues to be analyzed and reported on using data from AFCARS and the National Youth in Transition Database.

## **NATIONAL ADVISORY COMMITTEE**

*Sec. 121 Establishment of a national advisory committee on the sex trafficking of children and youth in the United States*

No later than 2 years post-enactment, HHS will appoint 21 members of a new National Advisory Committee (*at least one member must be a former sex trafficking victim, two members must be Governors, one member must be a Democrat, and one member must be a Republican*). The Committee will advise the Secretary and Attorney General on policies to improve the nation's response to domestic sex trafficking as well as policies concerning the cooperation between local, state, and federal efforts to address the problem.



The Commission shall develop successful interventions with children and youth who are exposed to conditions that make them vulnerable to, or victims of, sex trafficking; and recommendations for administrative or legislative changes necessary to use programs, properties, or other resources owned, operated, or funded by the Federal Government to provide safe housing for children and youth who are sex trafficking victims and provide support to entities that provide housing or other assistance to the victims.

Within 2 years, the Committee must develop two tiers of policy recommendations: the first tier for states that have not yet addressed sex trafficking and the second tier for states that have already begun to address these issues. The Committee must inform states on a quarterly basis about best practices for addressing sex trafficking and evaluate state implementation of these recommendations. Within 3 years, the Committee must submit an interim report on state implementation to the Secretary, Attorney General, HHS, Department of Justice, Senate Finance Committee, and House Ways and Means Committee. The Committee must meet at least twice a year and will terminate five years after establishment. However, HHS shall continue to operate and update, as necessary, an Internet website displaying the State best practices, recommendations, and evaluation of State-by-State implementation of the recommendations.

## **Title 2: Improving Adoption Incentives and extending Family Connections Grants**

### *Sec. 201 Extension of the program through Fiscal-Year 2016*

The bill reauthorizes the Adoption Incentives Program for a three-year extension, with funding through fiscal year 2016.

### *Sec. 202 Improvement to award structure*

The bill expands the Adoption Incentives Program to incentivize states for guardianship placements, in addition to increased adoption placements. The bill changes the current categories for which states receive awards. The bill also changes the structure of the incentives by phasing-in incentives based on rate increases, rather than increases above an arbitrary baseline year. The new structure is as follows:

**Overall Adoption** – States shall receive **\$5,000** for increases in overall adoption rates of children from foster care

**Overall Guardianship** – States shall receive **\$4,000** for increases in overall subsidized guardianship placements of children from foster care

**“Pre-adolescent” (age 9-14) Adoption/Guardianship** – States shall receive **\$7,500** for increases in pre-adolescent adoption or foster child guardianships of children from foster care

**“Older child” (age 14+) Adoption/Guardianship** – States shall receive **\$10,000** for increases in older child adoption or foster child guardianships of children in foster care



The bill introduces a new category for awards based on timely adoptions achieved. However, these incentives are based on the availability of funds left over after the above awards have been expensed.

**“Timely Adoption”** – States shall receive an award (only if funds are available after the other categories are allotted) for timely adoptions achieved. This amount is determined by the pool of states who are determined to have achieved timely adoptions divided by the number of timely adoptions achieved by the state. Timely adoption is defined as a finalized adoption achieved in less than 24 months.

**Transition Rule:** The structure of the program will transition to a rate increase versus increases over a stated baseline year. For Fiscal-year 2014 one-half of the funding will be awarded to states using the old structure (based on current incentive categories and amounts and improvements achieved over a baseline year) and one-half will be awarded under the new structure.

*Sec. 203 Renaming the program*

The name of the federal program “Adoption Incentive Payments” will change to “Adoption and Legal Guardianship Incentive Payments”.

*Sec. 204 Limitation on use of incentive payments*

This section specifies that states must use the adoption and guardianship incentive payments to supplement – not supplant – other funds (federal or non-federal) already being used for services under the Title IV-E or IV-B programs.

*Sec. 205 Increase in period for which incentive payments are available for expenditure*

States will now be allowed to use incentive funds over a 36-month period versus the current law allowing use within 24 months.

*Sec. 206 State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 30 percent of savings on certain services*

This section strengthens the existing Fostering Connections Act (2008) Title IV-E Adoption Assistance AFDC “de-link” savings reinvestment provision. It requires states to calculate and report on the savings resulting from the Title IV-E adoption assistance de-link (currently being phased in through FY 2018) and to report on how the savings were used on services outlined under Title IV-B. The bill requires that these reports be made available to the public.

States are also required to report on the methodology used to calculate these savings (with HHS support or approval of a proposed methodology). The bill also requires that states spend no less than 30 percent of any such savings for post-adoption and post-guardianship services and for services to support and sustain positive permanent outcomes for children who might otherwise enter foster care, with at least 2/3 of this 30 percent spent on post-



adoption and post-guardianship services. (*Meaning that at least 20 percent of the savings will now be required to be spent on post-adoption and post-guardianship services*).

Also, the law stipulates that any savings should be used to supplement, and not supplant, services under IV-B and IV-E.

*Sec. 207 Preservation of eligibility for kinship guardianship assistance payments with a successor guardian*

In the event a kin caretaker passes away or incapacitated, this section specifies that an eligible child shall retain kinship guardianship assistance payment eligibility and another legal guardian can care for the child.

*Sec. 208 Data collection on adoption and legal guardianship disruption and dissolution*

This section requires that the Department of HHS release regulations to States on the collection and analysis of information on children who re-enter foster care after being placed in adoption or guardianship.

States would be required to collect and report data on the number of children who re-enter care after a finalized adoption or guardianship, prior length of adoption/guardianship, age when they left care and when they re-entered, the type of agency involved in the exit, and other factors necessary to better understand the re-entry of children into foster care.

*Sec. 209 Encouraging the placement of children in foster care with siblings*

Current law requires notification to relatives of children entering care. This provision clarifies and extends siblings being cared for by parents (example adoptive parents) to be notified as relatives. All parents of siblings to the child (where the parent has legal custody of the sibling) are now also required by states to be identified and notified within 30 days after the removal of a child from the custody of his/her parents. This includes individuals who would have been considered siblings if not for the termination or other disruption of parental rights.

*Sec. 210 Effective dates*

October 1, 2014.

*Sec. 221 Extending the Family Connection Grant Program*

The funding for the Family Connections Grants is extended through Fiscal-Year 2014. This will allow for an extension of funding for the last year of the current grantees. The Family Connection Grant program was established under the *Fostering Connections to Success and Increasing Adoptions Act of 2008 (public law 110-351)*. The law removes a provision in current law that stipulates that no less than \$5 million of the Family Connection Grants funding must be used to support kinship navigator programs. It also makes institutions of higher education an eligible entity for matching grants.



### **Title 3: Improving international child support recovery**

#### *Sec. 301 Amendments to Ensure Access to Child Support Services for International Child Support Cases*

Provides implementing language to ratify under the Hague Convention, a structured system for information exchange and enforcement of child support cases for participating countries, allowing States to more easily collect child support orders involving parents abroad.

#### *Sec. 302 Child Support Enforcement Programs for Indian Tribes*

Indian Tribes will now have direct access to the Federal Parent Locator Service to locate the income of non-custodial parents. Tribes will also have waiver authority to test program innovations, consistent with the treatment of State Child Support programs.

#### *Sec. 303 Sense of the Congress Regarding Offering of Voluntary Parenting Time Arrangements*

Recognizes that the role of non-custodial parents extends beyond providing financial support to a child and encourages States to use existing funding sources to establish parenting time arrangements, including child support incentives, Access and Visitation Grants, and Healthy Marriage Promotion and Responsible Fatherhood Grants, when establishing child support orders.

#### *Sec. 304 Data Exchange Standardized for Improved Interoperability*

HHS must develop standardized data elements to be used in improving the accuracy and administration of child support benefits and services.

#### *Sec. 305 Report to Congress*

Expands the existing strategic planning process to require a report to Congress about the future of the Child Support Enforcement program. The report must include input from stakeholders. The report to Congress is due by June 30, 2015.

#### *Sec. 306 Required Electronic Processing of Income Withholding*

Requires all States (or the 19 States that do not already do so) to implement the electronic income withholding order process that was created in 2008.

*By transmitting income-withholding orders electronically, States and employers save time and money and child support is paid more quickly and effectively to families, reducing their need for means-tested government benefits.*

