



## Preventing Sex Trafficking and Strengthening Families Act of 2014 (H.R. 4980)

### Summary of Child Welfare Provisions

#### Title I – Protecting Children and Youth at Risk of Sex Trafficking

##### Subtitle A – Identifying and Protecting Children and Youth at Risk of Sex Trafficking

**(Sec. 101)** Requires state child welfare agencies to have in place, within one year, policies and procedures for identifying, documenting, screening and determining appropriate state actions and services for children in care who are victims of sex trafficking or at-risk of being victims of sex trafficking, including

- Children with an open case file but who have not been removed from home
- Children who have run away from foster care under 18 or whatever the foster care exit age is
- Children not in foster care who are receiving adoption assistance
- Any individual under 26 at the option of the state, whether or not they are in foster care

**(Sec. 101)** Defines sex trafficking

**(Sec. 102)** Requires state agencies to immediately report (within 24 hours) information on children identified as victims of sex trafficking to law enforcement. (No later than two years after enactment and annually thereafter.)

**(Sec. 102)** Requires state agencies to report the total number of children and youth who are sex trafficking victims to the Secretary of Health and Human Services (HHS). (No later than three years after enactment and annually thereafter.)

**(Sec. 102)** Requires the Secretary to report to Congress and make available online the number of children and youth reported to be sex trafficking victims. (No later than four years after enactment and annually thereafter.)

**(Sec. 103)** Requires children in foster care identified as sex trafficking victims to be reported to the Adoption and Foster Care Analysis System (AFCARS.)

**(Sec. 104)** Requires state child welfare agencies to develop and implement protocols in their state plans to locate children runaway or missing from foster care; determining factors contributing to running away; determining the child's experiences while absent from care, including screening to determine if the child is a sex trafficking victim; and, reporting related information to HHS. (No later than one year after enactment.)

Requires state child welfare agencies to report, within 24 hours, missing youth to law enforcement for entry into the National Crime Information Center and to the National Center for Missing and Exploited Children. (No later than two years after enactment.)

**(Sec. 105)** Requires HHS to submit a report to Congress on children who have run away from foster care and their risk of becoming sex trafficking victims including characteristics, potential factors associated with children running away from foster care, information on children’s experiences while absent from care and trends in the number of children reported as runaways in each fiscal year; state efforts to provide services and placements; and, state efforts to ensure children in foster care form and maintain long-lasting connections to caring adults. (No later than two years after enactment.)

### **Subtitle B-Improving Opportunities for Children in Foster Care and Supporting Permanency**

#### **(Sec. 111) Supporting Normalcy for Children in Foster Care – Reasonable and Prudent Parent Standard.**

Defines reasonable and prudent parent standard to mean the careful and sensible parental decisions to maintain the health, safety and best interest of a child while encouraging the emotional and developmental growth of the child when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural and social activities. Defines “caregiver” and “age- or developmentally-appropriate.” Requires states to implement a reasonable and prudent parent standard for foster parents to make parental decisions to 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 including sports, field trips and overnight activities, signing permission slips and arranging transportation for such activities. Requires state to provide training for caregivers and directs HHS to provide technical assistance to states on best practices in assisting foster parents in applying the standard.

Requires state’s licensing standards for foster family homes and for child care institutions providing foster care to permit the use of the reasonable and prudent parent standard and to require contracts to designate an official to apply the standard. Standards must include policies related to the liability of foster parents and contracted private entities.

Increases funding by an additional \$3 million (beginning in FY2020) to the Title IV-E Independent Living Program and requires that the program ensure that children who are likely to remain in care until 18 have regular, ongoing opportunities to engage in age or developmentally appropriate activities.

Effective date for this section is one year after enactment; additional time permitted if state legislation is required.

#### **(Sec. 112) – Improving Another Planned Permanent Living Arrangement**

Eliminates Another Planned Permanent Living Arrangement (APPLA) (in which the child welfare agency maintains care and custody of the youth and arranges a living situation in which the youth is expected to remain until adulthood. APPLA is a permanency option only when other options such as reunification, relative placement, adoption, or legal guardianship have been ruled out) as a permanency goal for children under 16. (Effective one year after enactment/three years after enactment in the case of Tribal children in foster care; additional time permitted if state legislation is required.)

Adds additional case plan and case review requirements for older youth who have a permanency goal of APPLA:

- At each permanency hearing, the state child welfare agency must document the ongoing, but unsuccessful, efforts made to return the youth home or with a fit and willing relative, legal guardian or

adoptive technology. The state agency must implement procedures to ensure that, at each permanency hearing, the court must ask the child about the desired outcome and make a judicial determination as to why another planned living arrangement is in the best interest of the child rather than return home, adoption, legal guardianship or relative placement.

- Requires the foster family or child care institution is following the reasonable and prudent parent standards and that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.
- Requires state plans to incorporate the new APPLA requirements into the case plan and case review system.
- Requires the child welfare agencies to meet the new case plan requirements and foster children's rights (in section 113) in order to receive federal Title IV-E funding or funding under the Stephanie Tubbs Jones Child Welfare Services Program.

All provisions are effective one year after the date of enactment, additional time permitted if state legislation is required.

### **(Sec. 113) – Empowering Foster Children Age 14 or Older in the Development of their Own Case Plan and Transition Planning for a Successful Adulthood**

Requires consultation with the child, for any child in foster care at age 14 or older, in the development of, or any revision to, his or her case plan. At the option of the youth, this consultation may include up to two members of the case planning team who are chosen by the youth and who are not the youth's foster parent or caseworker. A state is permitted to reject an individual selected by the child to be a part of the case planning team, if the state has good cause to believe that the individual would not act in the best interests of the child. The legislation also adds that one individual selected by the child to be a member of the case planning team may be designated as the youth's advisor, and, as necessary, may advocate for the child regarding application of the *reasonable and prudent parent standard*.

Requires the case plan to include:

- A document describing the rights of the child to education, health, visitation and court participation; the right to stay safe and avoid exploitation.
- A signed acknowledgement that the child has received a copy of the plan.

Requires HHS to submit a report to Congress, within two years of enactment, analyzing how states are administering the requirements to provide a list of rights of children in foster care to those children and the case planning team selection, as well as a description of state best practices.

All provisions are effective one year after the date of enactment, additional time permitted if state legislation is required.

### **(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**

- Amends the statutory definition of the term "case review" by adding the following language: "If a child is leaving foster care once they have reached the age of 18 or greater age if the state has elected, or unless the child has been in foster care for less than a six month period, is not to be discharged from care without being provided with: (1) an official or certified copy of the United States birth certificate of the child, (2) a social security card issued by the Commissioner of Social Security, (3) health insurance information, (4) a copy of the child's medical records, and (5) a driver's license or identification card issued by a state.

- All provisions are effective one year after the date of enactment, additional time permitted if state legislation is required.

**(Sec. 115) – Information on Children in Foster Care in Annual Reports Using Adoption and Foster Care Analysis and Reporting System (AFCARS) Data**

The legislation requires HHS to include in its annual Child Welfare Outcomes report (beginning with data for FY2016) state-by-state data on certain children in foster care who are placed in a child care institution or any other setting that is not a foster family home, including the:

- Number of children in the placements and their ages, including separately, the number and ages of children who have a permanency plan of another planned permanent living arrangement;
- Duration of the placement in the settings (including for children who have a permanency plan of another planned permanent living arrangement);
- Types of child care institutions used (including group homes, residential treatment, shelters, or other congregate care settings);
- Number of children residing in non-foster care institutions or non-foster family homes;
- Clinically diagnosed special needs of these children; and
- Extent of any specialized education, treatment, counseling, or other services provided in the settings, and children in foster care who are pregnant or parenting.

**Subtitle C – National Advisory Committee**

**(Sec. 121) – Establishment of a National Advisory Committee on the Sex Trafficking of Children and Youth in the U.S.**

The Act requires HHS to appoint, within two years of enactment, a National Advisory Committee on the Sex Trafficking of Children and Youth in the U.S. Directs the Secretary, in consultation with the Attorney General, and National Governors Association (NGA), to select no more than 21 members with diverse experience and background, with at least one member being a former sex trafficking victim, and two governors (one Democrat and one Republican). Appointments will be for the life of the committee.

The Committee is to advise on policies to improve the nation’s response to the sex trafficking of children and youth, including the coordination of federal, state, local and tribal governments, child welfare agencies, social service providers, health and mental health, victim services, state and local courts responsible for child welfare and others to develop and implement successful interventions with vulnerable children and youth and to make recommendations for administrative and legislative changes.

The Committee must develop two tiers of recommended best practices, based on promising, evidence-based models and programs:

- Tier 1 must provide best practices for states that have not substantively addressed sex trafficking.
- Tier 2 must provide examples of policies already being used effectively by other states to states that are already working to address sex trafficking.

Practices must address identification, documentation, services and reporting of instances of sex trafficking. The content should include sample training materials and screening tools, sample recommendations based on states’ current efforts and reflecting states’ regional differences, criteria necessary for establishing safe residential placements for foster children who have been victims and training guidelines for caregivers.

The Act requires the Advisory Committee to coordinate with the National Governors' Association, the Secretary of HHS and the Attorney General to notify and inform state child welfare agencies on the best practices and recommendations for states.

- Within three years of the establishment of the committee, they are required to report to the Secretary and Attorney General, as well as online and publicly available, a description of what each state has done to implement the recommendations of the committee.
- Requires the Committee to submit an interim and a final report to the Secretary, the Attorney General, the Committee on Finance of the Senate; and the Committee on Ways and Means of the House of Representatives.
- The Secretary will direct the head of the Administration for Children and Families in the U.S.
- Department of Health and Human Services to provide all necessary support for the Committee. The Committee will meet at least twice each year and will be prepared to accommodate members who are unable to attend by making remote conferencing options available.
- The Committee will terminate 5 years after the date of its establishment, but the Secretary will 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 Secretary's recommendations.

## **Title II – Improving Adoption Incentives and Extending Family Connection Grants Protecting Children and Youth at Risk of Sex Trafficking**

### **Subtitle A - Improving Adoption Incentive Payments**

#### **(Sec. 201) – Extension of Program Through Fiscal Year 2016**

The Act reauthorizes the Adoption Incentive Program for FY 2013 – FY 2015, effective October 1, 2013 and authorizes \$43 million for each of fiscal years 2014 – 2016.

#### **(Sec. 202) – Improvements to Award Structure**

The Act reauthorizes the Adoptive Incentive Program for Fiscal Years FY 2013 – FY 2015 and makes structural changes to how the incentive payments are calculated based on the rate of increase in adoptions to judge state performance instead of the actual numbers (to ensure incentives are rewarded based on continued improvements in performance as foster care caseloads declines).

The Act also provides incentive awards for guardianship placements and larger incentives to states for increasing adoptions of hard to place older youth.

Establishes a new award structure to be phased in over three years, increasingly prioritizing recent improvement over past performance in increasing adoptions and guardianship placements.

There are four incentive categories:

Category	Rate Calculation	Incentive Payment
<b>Foster Child Adoption</b>	Increase in the rate of children adopted from foster care (the rate is determined by dividing the number of foster child adoptions finalized in a fiscal year by the number of children in foster care on the last day of the preceding fiscal year)	\$5,000 for every foster adoption that is attributed to the state's higher rate of adoption.
<b>Pre-adolescent Child Adoption and Guardianship Placements (Kinship Care)</b>	Increase in the rate of pre-adolescent (age 9 through 13) foster child adoptions or guardianship (the rate is determined by dividing the number of pre-adolescent child adoptions and guardianships finalized in a fiscal year by the number of pre-adolescent children in foster care on the last day of the preceding fiscal year.)	\$7,500 for every preadolescent adoption and guardianship of preadolescent children that is attributed to the state's higher rate of pre-adolescent adoption and guardianship.
<b>Older Child Adoption and Guardianship</b>	Increase in the rate of older (ages 14 and older) foster child adoptions or guardianships (the rate is determined by dividing the number of older child adoptions and legal guardianships finalized in a fiscal year by the number of older children in foster care on the last day of the preceding fiscal year)	\$10,000 for every older child adoption or guardianship that is attributed to the state's higher rate of older child adoption and guardianship.
<b>Foster Child Guardianship</b>	Increase in the rate of children exiting foster care into guardianship (the rate is determined by dividing the number of guardianships finalized in a fiscal year by the number of children in foster care on the last day of the preceding fiscal year).	\$4,000 for every foster child guardianship that is attributed to the state's higher rate of guardianship.

### Transition Rule

The Act provides for a transition period in FY2014 so that a state in FY 2014 would receive an incentive amount that was equal to half of the sum of what it would have received under the old incentive structure and the other half would be equal to the amount that would be received under the new structure.

The legislation increases incentive payments for "timely adoption states" if the total of adoption and legal guardianship incentive payments are less than the amount appropriated in FY 2013- FY 2015.

**(Sec. 203)** – Renames the "Adoption Incentives Payment" program to the "Adoption and Legal Guardianship Incentive Payments" program. Effective October 1, 2014.

**(Sec. 204)** – Prohibits the use of incentive payments to supplant any federal or non-federal funds used to provide services in the program. Effective upon enactment.

**(Sec. 205)** – Increases the period of time in which payments remain available for a state from 24 months to 36 months. Effective as if the bill were enacted on October 1, 2013.

**(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**  
Requires the states to calculate and report on any savings from the delinking of Title IV-E Adoption Assistance eligibility from income and to report on how the savings were used under Title IV-B Child and Family Services.

Requires states to spend no less than 30 percent of the savings for post-adoption and post-guardianship services and for services to support positive permanent outcomes for children who might otherwise enter foster care, with at least 2/3 of the 30 percent spent on post-adoption and post-guardianship services. Any savings should be used to supplement, not supplant, services under IV-B and IV-E. Effective October 1, 2014.

**(Sec. 207) – Preservation of Eligibility for Kinship Guardianship Assistance Payments with a Successor Guardian**

Ensures that in the event of death or incapacity of a relative guardian, a successor legal guardianship allows the child to remain eligible for kinship guardianship assistance. Effective upon enactment.

**(Sec. 208) – Collecting Data on Adoption and Legal Guardian Disruption and Dissolution**

Requires HHS to develop regulations to collect and analyze data on children who re-enter foster care after being placed in adoption or guardianship. Requires states 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. Effective upon enactment.

**(Sec. 209) – Encouraging the Placement of Children in Foster Care with Siblings**

Clarifies that all parents of siblings to the child (where the parent has legal custody of the sibling) must also be identified and notified within 30 days after the removal of a child from custody of the parent(s). This includes individuals who would have been considered siblings if not for the termination or other disruption of parental rights. Effective upon enactment.

**Subtitle B – Extending the Family Connection Grant Program**

**(Sec. 221) – Extension of Family Connection Grant Program**

Extends the family connection grant program through FY2014 and makes universities eligible for matching grants under the program.

Requires a kinship navigator to promote partnerships between public and private agencies to increase their knowledge of the needs of other individuals willing and able to be foster parents for children in foster care under state responsibility, who are themselves parents, in order to promote better services for those families.

Repeals the mandatory reservation of \$5 million per fiscal year for grants to implement kinship navigator programs.