

**Detailed Summary of H.R. 4980, the
“Preventing Sex Trafficking and Strengthening Families Act”
July 2014**

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

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

Section 101: Identifying, Documenting, and Determining Services for Children and Youth at Risk of Sex Trafficking

- For children involved with the State child welfare agency (children in families the agency is investigating, children in foster care, and youth receiving services after leaving foster care), States must develop methods to identify, document, and determine services for victims of child sex trafficking and those who are at risk of becoming victims.
- States must develop these policies one year after enactment, and demonstrate they have implemented the policies two years after enactment.

Section 102: Reporting Instances of Trafficking

- States must report children identified as victims of sex trafficking within 24 hours to law enforcement authorities, as well as report to the U.S. Department of Health and Human Services (HHS) the number of children and youth the child welfare agency is involved with who are sex trafficking victims.
- States must report victims of sex trafficking to law enforcement beginning two years after enactment; States must report the number of sex trafficking victims to HHS beginning three years after enactment, and HHS must report this information publicly beginning four years after enactment.

Section 103: Including Sex Trafficking Data in the Adoption and Foster Care Analysis and Reporting System

- States must submit data on child sex trafficking victims through the existing data system used to collect information on youth in foster care.
- Effective upon enactment.

Section 104: Locating and Responding to Children Who Run Away from Foster Care

- States must implement plans to rapidly locate a child missing from foster care, determine why the child ran away from care, and determine whether the child was a victim of sex trafficking while missing from care.
- States must report missing or abducted children to the National Crime Information Center at the FBI and to the National Center for Missing and Exploited Children (NCMEC).
- States must implement plans to locate runaways one year after enactment, and report missing children to NCMEC two years year after enactment.

Section 105: Increasing Information on Children in Foster Care to Prevent Sex Trafficking

- HHS must report to Congress information on children who run away from foster care, State efforts to provide services to child victims of sex trafficking, and State efforts to ensure children in foster care maintain long-lasting connections to caring adults.
- Effective two years after enactment.

Subtitle B – Improving Opportunities for Children in Foster Care and Supporting Permanency

Section 111: Supporting Normalcy for Children in Foster Care

- States must implement a “reasonable and prudent parent standard” allowing foster parents to make more day-to-day decisions for youth in their care (such as allowing them to play sports or spend time with friends).
- The above provision is effective one year after enactment.
- Beginning in FY 2020, an additional \$3 million will be made available each year under the Title IV-E Independent Living program, whose purposes are expanded to include supporting children’s participation in age-appropriate activities.

Section 112: Improving Another Planned Permanent Living Arrangement as a Permanency Option

- For children under age 16, States can no longer designate the child as having a case goal of “Another Planned Permanent Living Arrangement” or APPLA, which has become a catchall category effectively meaning “long-term foster care.” This means that the case goal for all children in foster care under age 16 must be returning home or being placed with an adoptive parent, guardian, or relative.
- For children age 16 and older (who may continue to have APPLA as a goal), States must document their ongoing efforts to place such children in a permanent home and explain why other options are not in the best interests of the child.
- Effective one year after enactment.

Section 113: Empowering Foster Children Age 14 and Older in the Development of Their Own Case Plan and Transition Planning for a Successful Adulthood

- Youth in foster care age 14 or older would be allowed to help develop their own case plan, including selecting trusted adults to be part of the team preparing their plan, and would receive a list of their rights while in foster care regarding education, health, visitation, court participation, and other matters.
- Effective one year after enactment.

Section 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

- To better equip former foster youth for success as adults, States must ensure youth age 18 or older who have spent six months or more in care are provided the following when they leave foster care: a birth certificate, Social Security card, health insurance information, medical records, and a driver’s license or state ID.
- Effective one year after enactment.

Section 115: Information on Children in Foster Care in Annual Reports Using AFCARS Data; Consultation

- HHS must annually report detailed information on children living in group homes (such as the number of children, their duration in these settings, and the type of institution in which they are placed) as part of the annual report on outcomes for children in foster care.
- HHS must consult with States and other organizations on additional data to be included in these reports.
- Effective in FY 2016.

Subtitle C – National Advisory Committee

Section 121: Establishment of a National Advisory Committee on the Sex Trafficking of Children and Youth in the United States

- The Secretary of HHS is required to appoint up to 21 individuals to serve on a national advisory committee to advise HHS and the Attorney General on policies to improve the nation’s response to sex trafficking of children.
- HHS must appoint members to the advisory committee no later than two years after enactment. The advisory committee will have two years to review and recommend to States best practices to address sex trafficking of children and youth. The advisory committee is to produce an interim report (within three

years of its establishment) and a final report (within four years of its establishment) on State implementation of such best practices.

Title II – Improving Adoption Incentives and Extending Family Connection Grants

Subtitle A – Improving Adoption Incentive Payments

Section 201: Extension of Program through Fiscal Year 2016

- Extends the Adoption Incentives program for three years through FY 2016.
- Effective as if enacted October 1, 2013.

Section 202: Improvements to Award Structure

- Modifies the current award structure to focus on increasing adoption *rates* instead of the raw *number* of adoptions from foster care (ensuring States have an incentive to increase adoption placements even as foster care caseloads continue to decline nationwide).
- Increases awards for moving older foster children into adoption.
- Rewards States for the first time for placing foster children with legal guardians.
- Revises the base year so States must improve their performance compared to the lower of the preceding fiscal year or an average of the preceding three fiscal years, encouraging more recent improvement than the formula used in current law.
- In general, effective October 1, 2014. (See description of Section 210 more detailed information on the gradual application of the new award structure.)

Adoption Incentive Awards and Award Criteria under H.R. 4980

| Category | Award Criteria | Award Amount* |
|---|---|----------------------|
| <i>Adoption Rate</i> | Increasing the percentage of foster children adopted in a year | \$5,000 |
| <i>Guardianship Rate</i> | Increasing the percentage of foster children placed with a legal guardian in a year | \$4,000 |
| <i>Pre-adolescent Adoption/ Guardianship Rate</i> | Increasing the percentage of foster children age 9-13 adopted or placed with a legal guardian in a year | \$7,500 |
| <i>Older Child Adoption/ Guardianship Rate</i> | Increasing the percentage of foster children age 14+ adopted or placed with a legal guardian in a year | \$10,000 |

**Awards are per placement in each category above the State's base rate (defined as either the State's rate in the prior year or the average of the three prior years, whichever is lower).*

Section 203: Renaming of Program

- Changes the name of the program from “Adoption Incentives Payments” to “Adoption and Legal Guardianship Incentive Payments.”
- Effective October 1, 2014.

Section 204: Limitation on Use of Incentive Payments

- Ensures States do not use incentive payments to supplant existing child welfare spending.
- Effective upon enactment.

Section 205: Increase in Period for Which Incentive Payments Are Available for Expenditure

- Allows States to spend award money for up to three years instead of up to two years under current law.
- Effective as if enacted October 1, 2013.

Section 206: State Report on Calculation and Use of Savings Resulting from the Phase-Out of Eligibility Requirements for Adoption Assistance; Requirement to Spend at Least 30 Percent of Savings on Certain Services

- The *Fostering Connections to Success and Increasing Adoptions Act of 2008* (P.L. 110-351) increased the overall amount of Federal spending on monthly adoption assistance payments to adoptive families by phasing out the income eligibility requirements for those payments over time.
- While Congress required States to reinvest any State savings from this change in child welfare programs, it is unclear whether States are reinvesting this money. To address this, H.R. 4980 requires States to:
 - Report State savings resulting from this change;
 - Report how these savings are being reinvested in child welfare programs; and
 - Spend at least 30 percent of these savings on post-adoption services, post-guardianship services, and services to prevent children from entering foster care, with at least two-thirds of this 30 percent being spent on post-adoption or post-guardianship services.
- Effective October 1, 2014.

Section 207: Preservation of Eligibility for Kinship Guardianship Assistance Payments in Cases with a Successor Guardian

- Clarifies the treatment of successor guardians under the Guardianship Assistance Program, ensuring children can continue to be cared for by another legal guardian –without the child having to return to foster care – if a relative guardian passes away or is incapacitated.
- Effective upon enactment.

Section 208: Data Collection on Adoption and Legal Guardianship Disruption and Dissolution

- Requires HHS to begin collecting data on adoptions and legal guardianships that fail—either after they have been finalized (known as “dissolution”) or while they are in the process of being finalized (“disruption”).
- Effective upon enactment.

Section 209: Encouraging the Placement of Children in Foster Care with Siblings

- Ensures parents caring for a child are notified when a sibling of the child enters foster care. Currently, if a family has adopted a child and the child’s sibling enters foster care, the State is not required to notify the adoptive parents of the sibling’s entry into foster care, as they are not considered “relatives” of the child.
- Effective upon enactment.

Section 210: Effective Dates

- Generally makes the provisions extending and improving the Adoption Incentives program effective upon enactment, except that the changes to the award structure and the renaming of the program are effective October 1, 2014.
- Phases in the new award structure over three years:
 - In FY 2014, awards are calculated using the current-law methodology
 - In FY 2015, awards are calculated using the current-law methodology and the new methodology laid out in section 202 (with states receiving the average between the two); and
 - In FY 2016, awards are calculated entirely using the new methodology laid out in section 202.

Subtitle B – Extending the Family Connection Grant Program

Section 221: Extension of Family Connection Grant Program

- Extends the Family Connection Grant Program for one year (through FY 2014) at the current authorization of \$15 million per year.

- Allows universities to receive grants, in addition to other groups already allowed to receive grants.
- Ensures efforts to promote public-private partnerships to improve kinship care extend to individuals who are willing to be foster parents for youth in foster care who are parents.
- Removes the requirement for HHS to reserve \$5 million for kinship navigator programs.
- Effective as if enacted October 1, 2013.

Title III- Improving International Child Support Recovery

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

- Provides the implementing language needed to ratify the Hague Convention, a structured system for information exchange and enforcement of child support cases for participating countries, enabling States to more easily collect on child support orders involving parents abroad.
- The legislation requires all States to have enacted State laws that are consistent with the treaty (some have already made such changes), or risk losing Federal administrative funds.
- Effective upon enactment.

Sec. 302: Child Support Enforcement Programs for Indian Tribes

- Provides Indian Tribes with direct access to the Federal Parent Locator Service to locate the income of non-custodial parents, as well as waiver authority to test program innovations, consistent with the treatment of State Child Support programs.
- Effective upon enactment.

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 when establishing child support orders.

Sec. 304: Data Exchange Standardized for Improved Interoperability

- Continues previous bipartisan Human Resources subcommittee efforts by directing the Secretary of Health and Human Services to develop standardized data elements to be used in improving the accuracy and administration of child support benefits and services.
- Effective 24 months after enactment.

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 a range of stakeholders across a number of topic areas.
- The report to Congress is due by June 30, 2015.

Sec. 306: Required Electronic Processing of Income Withholding

- Requires all States (specifically, the 19 States that do not already do so -- AL, GA, IA, KS, KY, LA, ME, MD, MN, MS, MT, NV, NH, RI, SC, UT, VT, WI, and WY) to implement the electronic income withholding order process, which was initially launched 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.
- Effective October 1, 2016.

Title IV-Budgetary Effects

Sec 401: Determination of Budgetary Effects

- Provides the necessary Senate budget language so the bill can be passed without amendment.