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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R. _____

To prevent and address sex trafficking of youth in foster care.

IN THE HOUSE OF REPRESENTATIVES

Mr. REICHERT (for himself, Mr. DOGGETT, AND [SEE ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on _____

A BILL

To prevent and address sex trafficking of youth in foster care.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
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TITLE I—IDENTIFYING AND PROTECTING YOUTH AT RISK OF SEX TRAFFICKING

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Sec. 102. Documenting and reporting instances of sex trafficking.
Sec. 103. State plan requirement to locate and respond to children who run away from foster care.
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TITLE II—IMPROVING OPPORTUNITIES FOR YOUTH IN FOSTER CARE AND SUPPORTING PERMANENCY

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TITLE III—IMPROVING DATA COLLECTION AND REPORTING ON CHILD SEX TRAFFICKING

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Sec. 302. Information on children in foster care in annual reports using AFCARS data; consultation.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) Recent reports on sex trafficking estimate that thousands of children are at risk for domestic sex trafficking.

(2) The risk is compounded every year for the up to 30,000 young people who are ''emancipated'' from foster care.

(3) The current child welfare system does not effectively identify, prevent, or intervene when a child presents as trafficked or at risk for trafficking.

(4) Within the foster care system, many young adults are housed in congregate care facilities or group homes, which often are targeted by traffickers.

(5) Within the foster care system, children are routinely denied the opportunity to participate in normal, age or developmentally-appropriate activities such as joining 4–H and other clubs, participating in school plays, playing sports, going to camp, and visiting a friend.

(6) A lack of normalcy and barriers to participation in age or developmentally-appropriate activities contribute to increased vulnerability to trafficking, homelessness, and other negative outcomes for children in foster care.

(7) The latest research in adolescent brain development indicates that young people learn through experience and through trial and error, and that as part of healthy brain development young people need to take on increasing levels of decision-making through their teenage years.

(8) In order to combat domestic sex trafficking and to improve outcomes for children in foster care, systemic changes need to be made to the child welfare system that focus on—

(A) the reduction of children in long-term foster care;

(B) greater child engagement in case planning while in foster care;

(C) improved efforts to locate and respond to children who have run away from foster care and to reduce the number of foster children who are on the run;

(D) improved policies and procedures that encourage age or developmentally-appropriate activities for children in foster care and that permit more opportunities for such children to make meaningful and permanent connections with caring adults; and

(E) with regard to domestic sex trafficking, improved identification, prevention, and intervention by the child welfare agency in collaboration with the courts, local law enforcement agencies, schools, juvenile justice agencies, and other social service providers.

TITLE I—IDENTIFYING AND PROTECTING YOUTH AT RISK OF SEX TRAFFICKING

SEC. 101. IDENTIFYING AND SCREENING YOUTH AT RISK OF SEX TRAFFICKING.

Section 471(a)(9) of the Social Security Act (42 U.S.C. 671(a)(9)) is amended—

(1) in subparagraph (A), by striking ''and'';

(2) in subparagraph (B), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) not later than—

''(i) 1 year after the date of the enactment of this subparagraph, demonstrate to the Secretary that the State agency has developed, in consultation with organizations with experience in dealing with at-risk youth, policies and procedures for identifying and screening (including relevant training for caseworkers), and for determining appropriate State action and services with respect to—

''(I) any child over whom the State agency has responsibility for placement, care, or supervision (in-

cluding children for whom a State child welfare agency has an open case file but who have not been removed from the home and youth who are not in foster care but are receiving services under section 477 of this Act) who the State has reasonable cause to believe—

"(aa) is a victim of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10))) or a severe form of trafficking in persons described in section 103(9)(A) of such Act (22 U.S.C. 7102(9)(A)); or

"(bb) is at risk of being a victim of either kind of trafficking; and

"(II) at the option of the State, any individual, without regard to whether the individual is or was in foster care under the responsibility of

the State, who has not attained 26 years of age; and

''(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing, in consultation with the child protective services agency or unit for the State, the policies and procedures referred to in clause (i).''.

SEC. 102. DOCUMENTING AND REPORTING INSTANCES OF SEX TRAFFICKING.

(a) STATE PLAN REQUIREMENTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting a semicolon; and

(3) by adding at the end the following:

''(34) provides that, for each child over whom the State agency has responsibility for placement, care, or supervision (including any child for whom a State child welfare agency has an open case file but who has not been removed from the home, and any child who is not in foster care but is receiving services under section 477), the State agency shall—

"(A) not later than 2 years after the date of the enactment of this paragraph, identify and document appropriately in agency records each child who is identified as being a victim of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000) or as being a victim of severe forms of trafficking in persons described in section 103(9)(A) of such Act, as such a victim; and

"(B) report immediately, and in no case later than 24 hours after receiving—

"(i) information on children who have been identified as being victims of sex trafficking (as defined in subparagraph (A) of this paragraph) to the law enforcement authorities; and

"(ii) information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code, and to the National Center for Missing and Exploited Children; and

1 ''(35) not later than 2 years after the date of
2 the enactment of this paragraph, contains a regu-
3 larly updated description, made available to the pub-
4 lic on the Internet website of the State agency, of
5 the specific measures taken by the State agency to
6 protect and provide services to children who are vic-
7 tims of sex trafficking (as defined in section 103(10)
8 of the Trafficking Victims Protection Act of 2000),
9 or victims of severe forms of trafficking in persons
10 described in section 103(9)(A) of such Act, including
11 efforts to coordinate with State law enforcement,
12 schools, juvenile justice agencies, and social service
13 agencies such as runaway and homeless youth shel-
14 ters and transitional and other supportive housing
15 providers to serve that population.''.
16 (b) REGULATIONS.—The Secretary of Health and
17 Human Services shall promulgate regulations imple-
18 menting the amendments made by subsection (a) of this
19 section and shall provide uniform definitions for States to
20 use for the reports required under section 471(a)(34)(B)
21 of the Social Security Act, as added by such subsection
22 (a).

SEC. 103. STATE PLAN REQUIREMENT TO LOCATE AND RESPOND TO CHILDREN WHO RUN AWAY FROM FOSTER CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 102 of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (34);

(2) by striking the period at the end of paragraph (35) and inserting ''; and''; and

(3) by adding at the end the following:

''(36) provides that, not later than 1 year after the date of the enactment of this paragraph, the State shall develop and implement specific protocols for—

''(A) expeditiously locating any child missing from foster care;

''(B) determining the primary factors that contributed to the child's running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements;

''(C) determining the child's experiences while absent from care, including screening the child to determine if he or she is a possible vic-

tim of sex trafficking (as defined in paragraph (9)(C)); and

"(D) reporting such related information as required by the Secretary.".

SEC. 104. INCREASING INFORMATION ON YOUTH IN FOSTER CARE TO PREVENT SEX TRAFFICKING.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a written report which summarizes the following:

(1) Information on children who run away from foster care and their risk of becoming victims of sex trafficking, using data reported by States under section 479 of the Social Security Act and information collected by States related to section 471(a)(36) of such Act, including—

(A) characteristics of children who run away from foster care;

(B) potential factors associated with children running away from foster care (such as reason for entry into care, length of stay in care, type of placement, and other factors that contributed to the child's running away);

(C) information on children's experiences while absent from care; and

(D) trends in the number of children reported as runaways in each fiscal year (including factors that may have contributed to changes in such trends).

(2) Information on State efforts to provide specialized services, foster family homes, or child care institutions for children who are victims of sex trafficking.

(3) Information on State efforts to ensure children in foster care form and maintain long-lasting connections to caring adults, even when a child in foster care must move to another foster family home or when the child is placed under the supervision of a new caseworker.

TITLE II—IMPROVING OPPORTUNITIES FOR YOUTH IN FOSTER CARE AND SUPPORTING PERMANENCY

SEC. 201. SUPPORTING NORMALCY FOR CHILDREN IN FOSTER CARE.

(a) REASONABLE AND PRUDENT PARENT STANDARD.—

(1) DEFINITIONS RELATING TO THE STANDARD.—Section 475 of the Social Security Act (42

U.S.C. 675) is amended by adding at the end the following:

''(9)(A) 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 caregiver 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.

''(B) For purposes of subparagraph (A), the term 'caregiver' means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

''(10) The term 'age or developmentally-appropriate' means—

''(A) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral

capacities that are typical for an age or age group; and

''(B) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.''.

(2) STATE PLAN REQUIREMENT.—Section 471(a)(24) of such Act (42 U.S.C. 671(a)(24)) is amended—

(A) by striking ''include'' and inserting ''includes'';

(B) by striking ''and that such preparation'' and inserting ''that the preparation''; and

(C) by inserting '', and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow

the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities'' before the semicolon.

(3) TECHNICAL ASSISTANCE.—The Secretary of Health and Human Services shall provide assistance to the States on best practices for devising strategies to assist foster parents in applying a reasonable and prudent parent standard in a manner that protects child safety, while also allowing children to experience normal and beneficial activities, including methods for appropriately considering the concerns of the biological parents of a child in decisions related to participation of the child in activities (with the understanding that those concerns should not necessarily determine the participation of the child in any activity).

(b) NORMALCY FOR CHILDREN IN CHILD CARE INSTITUTIONS.—Section 471(a)(10) of such Act (42 U.S.C. 671(a)(10)) is amended to read as follows:

''(10) provides—

1 ''(A) for the establishment or designation
2 of a State authority or authorities that shall be
3 responsible for establishing and maintaining
4 standards for foster family homes and child
5 care institutions which are reasonably in accord
6 with recommended standards of national orga-
7 nizations concerned with standards for the in-
8 stitutions or homes, including standards related
9 to admission policies, safety, sanitation, and
10 protection of civil rights, and which shall permit
11 use of the reasonable and prudent parenting
12 standard;
13 ''(B) that the standards established pursu-
14 ant to subparagraph (A) shall be applied by the
15 State to any foster family home or child care
16 institution receiving funds under this part or
17 part B and shall require, as a condition of any
18 contract entered into by the State agency and
19 a child care institution, the presence on-site of
20 at least 1 official who, with respect to any child
21 placed at the child care institution, is des-
22 ignated to be the caregiver who is authorized to
23 apply the reasonable and prudent parent stand-
24 ard to decisions involving the access of the child
25 to age or developmentally-appropriate items and

1 participation in age or developmentally-appro-
2 priate activities, and who is provided with train-
3 ing in how to use and apply the reasonable and
4 prudent parent standard in the same manner as
5 prospective foster parents are provided the
6 training pursuant to paragraph (24);
7 ''(C) that the standards established pursu-
8 ant to subparagraph (A) shall include policies
9 related to the liability of foster parents and pri-
10 vate entities under contract by the State involv-
11 ing the application of the reasonable and pru-
12 dent parent standard, to ensure appropriate li-
13 ability for caregivers when a child participates
14 in an approved activity and the caregiver ap-
15 proving the activity acts in accordance with the
16 reasonable and prudent parent standard; and
17 ''(D) that a waiver of any standards estab-
18 lished pursuant to subparagraph (A) may be
19 made only on a case-by-case basis for nonsafety
20 standards (as determined by the State) in rel-
21 ative foster family homes for specific children in
22 care;''.
23 (c) EFFECTIVE DATE.—
24 (1) IN GENERAL.—The amendments made by
25 this section shall take effect on the date that is 1

year after the date of the enactment of this Act, without regard to whether regulations to implement the amendments have been promulgated by that date.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 202. IMPROVEMENTS TO ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT AS A PERMANENCY OPTION.

(a) ELIMINATION OF THE OPTION FOR CHILDREN UNDER AGE 16.—

(1) IN GENERAL.—Section 475(5)(C)(i) of the Social Security Act (42 U.S.C. 675(5)(C)(i)) is amended by inserting ''only in the case of a child who has attained 16 years of age'' before ''(in cases where''.

(2) CONFORMING AMENDMENT.—Section 422(b)(8)(A)(iii)(II) of such Act (42 U.S.C. 622(b)(8)(A)(iii)(II)) is amended by inserting '', subject to the requirements of paragraphs (5)(C) and (10) of section 475'' after ''arrangement''.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—Part E of title IV of such Act (42 U.S.C. 670 et seq.) is amended by inserting after section 475 the following:

''SEC. 475A. ADDITIONAL CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

''(a) REQUIREMENTS FOR ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT.—In the case of any child for whom another planned permanent living arrangement is the permanency plan for the child, the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

''(1) DOCUMENTATION OF INTENSIVE, ONGOING, UNSUCCESSFUL EFFORTS FOR FAMILY PLACE-

1 MENT.—At each permanency hearing held with re-
2 spect to the child, the State agency documents the
3 intensive, ongoing, and, as of the date of the hear-
4 ing, unsuccessful efforts made by the State agency
5 to return the child home or secure a placement for
6 the child with a fit and willing relative (including
7 adult siblings), a legal guardian, or an adoptive par-
8 ent, including through efforts that utilize search
9 technology (including social media) to find biological
10 family members for children in the child welfare sys-
11 tem.

12 ''(2) REDETERMINATION OF APPROPRIATENESS
13 OF PLACEMENT AT EACH PERMANENCY HEARING.—
14 The State agency shall implement procedures to en-
15 sure that, at each permanency hearing held with re-
16 spect to the child, the court or administrative body
17 appointed or approved by the court conducting the
18 hearing on the permanency plan for the child does
19 the following:

20 ''(A) Ask the child about the desired place-
21 ment of the child.

22 ''(B) Make a judicial determination ex-
23 plaining why, as of the date of the hearing, an-
24 other planned permanent living arrangement is
25 the best permanency plan for the child and pro-

vide compelling reasons why it continues to not be in the best interests of the child to—

"(i) return home;

"(ii) be placed for adoption;

"(iii) be placed with a legal guardian; or

"(iv) be placed with a fit and willing relative.

"(3) DEMONSTRATION OF SUPPORT FOR ENGAGING IN AGE OR DEVELOPMENTALLY-APPROPRIATE ACTIVITIES AND SOCIAL EVENTS.—At each permanency hearing held with respect to the child, the State agency shall document the steps the State agency is taking to ensure the child's foster family home or child care institution is following the reasonable and prudent parent standard specified in paragraphs (10) and (24) of section 471(a).".

(2) CONFORMING AMENDMENTS.—

(A) STATE PLAN REQUIREMENTS.—

(i) PART B.—Section 422(b)(8)(A)(ii) of such Act (42 U.S.C. 622(b)(8)(A)(ii)) is amended by inserting "and in accordance with the requirements of section 475A" after "section 475(5)".

(ii) PART E.—Section 471(a)(16) of such Act (42 U.S.C. 671(a)(16)) is amended—

(I) by inserting ''and in accordance with the requirements of section 475A'' after ''section 475(1)''; and

(II) by striking ''section 475(5)(B)'' and inserting ''sections 475(5) and 475A''.

(B) DEFINITIONS.—Section 475 of such Act (42 U.S.C. 675) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''meets the requirements of section 475A and'' after ''written document which''; and

(ii) in paragraph (5)(C)—

(I) by inserting '', as of the date of the hearing,'' after ''compelling reason for determining''; and

(II) by inserting ''subject to section 475A(a),'' after ''another planned permanent living arrangement,''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 203. EMPOWERING FOSTER YOUTH AGE 14 AND OLDER IN THE DEVELOPMENT OF THEIR OWN CASE PLAN AND TRANSITION PLANNING FOR A SUCCESSFUL ADULTHOOD.

(a) IN GENERAL.—Section 475(1)(B) of the Social Security Act (42 U.S.C. 675(1)(B)) is amended by adding at the end the following: "With respect to a child who has

1 attained 14 years of age, the plan developed for the child
2 in accordance with this paragraph, and any revision or ad-
3 dition to the plan, shall be developed in consultation with
4 the child and, at the option of the child, with up to 2 mem-
5 bers of the case planning team who are chosen by the child
6 and who are not a foster parent of, or caseworker for, the
7 child. A State may reject an individual selected by a child
8 to be a member of the case planning team at any time
9 if the State has good cause to believe that the individual
10 would not act in the best interests of the child. One indi-
11 vidual selected by a child to be a member of the child's
12 case planning team may be designated to be the child's
13 advisor and, as necessary, advocate, with respect to the
14 application of the reasonable and prudent parent standard
15 to the child.''.

16 (b) CONFORMING AMENDMENTS TO INCLUDE CHIL-
17 DREN 14 AND OLDER IN TRANSITION PLANNING.—Sec-
18 tion 475 of such Act (42 U.S.C. 675) is amended—

19 (1) in paragraph (1)(D), by striking ''Where
20 appropriate, for a child age 16'' and inserting ''For
21 a child who has attained 14 years of age''; and

22 (2) in paragraph (5)—

23 (A) in subparagraph (C)—

24 (i) by striking ''and'' at the end of
25 clause (ii); and

(ii) by adding at the end the following: ''and (iv) if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the State may reject an individual so selected by the child if the State has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child;''; and

(B) in subparagraph (I), by striking ''16'' and inserting ''14''.

(c) TRANSITION PLANNING FOR A SUCCESSFUL ADULTHOOD.—Paragraphs (1)(D), (5)(C)(i), and (5)(C)(iii) of section 475 of such Act (42 U.S.C. 675) are

each amended by striking ''independent living'' and inserting ''a successful adulthood''.

(d) LIST OF RIGHTS.—Section 475A of such Act, as added by section 202(b)(1) of this Act, is amended by adding at the end the following:

''(b) LIST OF RIGHTS.—The case plan for any child in foster care under the responsibility of the State who has attained 14 years of age shall include a document that describes the rights of the child with respect to education, health, visitation, and court participation, and to staying safe and avoiding exploitation, and 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.''.

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress regarding the implementation of the amendments made by this section. The report shall include—

(1) an analysis of how States are administering the requirements of paragraphs (1)(B) and (5)(C) of section 475 of the Social Security Act, as amended by subsection (a) of this section, that a child in foster care who has attained 14 years of age be per-

1 mitted to select up to 2 members of the case plan-
2 ning team or permanency planning team for the
3 child from individuals who are not a foster parent
4 of, or caseworker for, the child; and
5 (2) a description of best practices of States with
6 respect to the administration of the requirement.
7 (f) EFFECTIVE DATE.—
8 (1) IN GENERAL.—The amendments made by
9 this section shall take effect on the date that is 1
10 year after the date of the enactment of this Act.
11 (2) DELAY PERMITTED IF STATE LEGISLATION
12 REQUIRED.—If the Secretary of Health and Human
13 Services determines that State legislation (other
14 than legislation appropriating funds) is required in
15 order for a State plan developed pursuant to part E
16 of title IV of the Social Security Act to meet the ad-
17 ditional requirements imposed by the amendments
18 made by this section, the plan shall not be regarded
19 as failing to meet any of the additional requirements
20 before the 1st day of the 1st calendar quarter begin-
21 ning after the 1st regular session of the State legis-
22 lature that begins after the date of the enactment of
23 this Act. If the State has a 2-year legislative session,
24 each year of the session is deemed to be a separate
25 regular session of the State legislature.

SEC. 204. ENSURING FOSTER YOUTH HAVE A BIRTH CERTIFICATE, SOCIAL SECURITY CARD, HEALTH INSURANCE INFORMATION, MEDICAL RECORDS, AND A BANK ACCOUNT.

(a) CASE REVIEW SYSTEM REQUIREMENT.—Section 475(5)(I) of the Social Security Act (42 U.S.C. 675(5)(I)) is amended—

(1) by striking ''and receives assistance'' and inserting ''receives assistance''; and

(2) by inserting '', and, unless the child has been in foster care for less than 6 months or the child is being discharged from care to return to live with the family of the child or to be adopted, is not discharged from care without being provided with an official birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information and medical records, and if the child has attained 18 years of age, a fee-free (or low-fee) transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(C))) established in the name of the child name at an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), unless the

child, after consultation with the members of the case planning team for the child selected by the child (if any), elects to not have such an account established'' before the period.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

TITLE III—IMPROVING DATA COLLECTION AND REPORTING ON CHILD SEX TRAFFICKING

SEC. 301. INCLUDING SEX TRAFFICKING DATA IN THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM.

(a) IN GENERAL.—Section 479(c)(3) of the Social Security Act (42 U.S.C. 679(c)(3)) is amended—

(1) in subparagraph (C)(iii), by striking ''and'' after the comma; and

(2) by adding at the end the following:

''(E) the annual aggregate number of children in foster care who are identified as victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10))) or a severe form of trafficking in persons described in section 103(9)(A) of such Act)—

''(i) before entering foster care; and

''(ii) while in foster care; and''.

(b) REPORT TO CONGRESS.—Beginning in fiscal year 2016, the Secretary of Health and Human Services shall submit an annual report to Congress that contains the annual aggregate number of children in foster care who are

identified as victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10))) or a severe form of trafficking in persons described in section 103(9)(A) of such Act, together with such other information as the Secretary determines appropriate relating to the identification of, and provision of services for, that population of children.

SEC. 302. INFORMATION ON CHILDREN IN FOSTER CARE IN ANNUAL REPORTS USING AFCARS DATA; CONSULTATION.

Section 479A of the Social Security Act (42 U.S.C. 679b) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(2) in paragraph (5), by striking ''and'' after the semicolon;

(3) in paragraph (6)(C), by striking the period at the end and inserting a semicolon;

(4) by adding at the end the following:

''(7) include in the report submitted pursuant to paragraph (5) for fiscal year 2016 or any succeeding fiscal year, State-by State data on children in foster care who have been placed in a child care

1 institution or other setting that is not a foster fam-
2 ily home, including—
3 ''(A) the number of children in the place-
4 ments and their ages, including separately, the
5 number and ages of children who have a perma-
6 nency plan of another planned permanent living
7 arrangement;
8 ''(B) the duration of the placement in the
9 settings (including for children who have a per-
10 manency plan of another planned permanent
11 living arrangement);
12 ''(C) the types of child care institutions
13 used (including group homes, residential treat-
14 ment, shelters, or other congregate care set-
15 tings);
16 ''(D) with respect to each child care insti-
17 tution or other setting that is not a foster fam-
18 ily home, the number of children in foster care
19 residing in each such institution or non-foster
20 family home;
21 ''(E) any clinically diagnosed special need
22 of such children; and
23 ''(F) the extent of any specialized edu-
24 cation, treatment, counseling, or other services
25 provided in the settings; and

"(8) include in the report submitted pursuant to paragraph (5) for fiscal year 2016 or any succeeding fiscal year, State-by-State data on children in foster care who are pregnant or parenting."; and

(5) by adding at the end the following:

"(b) CONSULTATION ON OTHER ISSUES.—The Secretary shall consult with States and organizations with an interest in child welfare, including organizations that provide adoption and foster care services, and shall take into account requests from Members of Congress, in selecting other issues to be analyzed and reported on under this section using data available to the Secretary, including data reported by States through the Adoption and Foster Care Analysis and Reporting System and to the National Youth in Transition Database.".