

Bill Summary & Status 113th Congress (2013 - 2014) H.R.4980 CRS Summary

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H.R.4980

Latest Title: Preventing Sex Trafficking and Strengthening Families Act

Sponsor: [Rep Camp, Dave](#) [MI-4] (introduced 6/26/2014) [Cosponsors](#) (26)

Related Bills: [H.R.1896](#), [H.R.3205](#), [H.R.4058](#), [S.1786](#), [S.1870](#), [S.1876](#)

Latest Major Action: Became Public Law No: 113-183 [GPO: [Text](#), [PDF](#)]

SUMMARY AS OF:

9/29/2014--Public Law. (There are 3 [other summaries](#))

(This measure has not been amended since it was introduced. The expanded summary of the House passed version is repeated here.)

Preventing Sex Trafficking and Strengthening Families Act - **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) Amends part E (Foster Care and Adoption Assistance) of title IV (Temporary Assistance for Needy Families) (TANF) of the Social Security Act (SSA) to require the state plan for foster care and adoption assistance to demonstrate that the state agency has developed policies and procedures for identifying, documenting in agency records, and determining appropriate services with respect to, any child or youth over whom the state agency has responsibility for placement, care, or supervision who the state has reasonable cause to believe is, or is at risk of being, a victim of sex trafficking or a severe form of trafficking in persons.

Authorizes a state, at its option, to identify and document any individual under age 26 without regard to whether the individual is or was in foster care under state responsibility.

(Sec. 102) Adds as a state plan requirement the reporting to law enforcement authorities of instances of sex trafficking.

(Sec. 103) Includes sex trafficking data in the adoption and foster care analysis and reporting system (AFCARS).

(Sec. 104) Adds also as a state plan requirement the locating of and responding to children who have run away from foster care.

Directs the state agency to report immediately information on missing or abducted children or youth to law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation (FBI) and to

the National Center for Missing and Exploited Children.

(Sec. 105) Directs the Secretary of Health and Human Services (HHS) to report to Congress on information about: (1) children who run away from foster care and their risk of becoming sex trafficking victims, (2) state efforts to provide specialized services, foster family homes, child care institutions, or other forms of placement for children who are sex trafficking victims; and (3) 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.

Subtitle B: Improving Opportunities for Children in Foster Care and Supporting Permanency - (Sec. 111) Requires the designated state authority or authorities to: (1) develop a reasonable and prudent parent standard for the child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities; and (2) apply this standard to any foster family home or child care institution receiving funds under title IV part E.

Directs the Secretary to provide assistance to 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.

Requires that standards for child care institutions require, as a condition of any contract between an institution and the state agency, the presence on-site of at least one official designated as caregiver for a particular child who is authorized and trained to apply the reasonable and prudent parent standard to decisions involving the child's participation in age- or developmentally-appropriate activities.

Requires that such standards also include policies related to the liability of foster parents and private entities under state contract involving application of the reasonable and prudent parent standard to a child's participation in these activities.

Makes it a purpose of the John H. Chafee Foster Care Independence Program to ensure that children who are likely to remain in foster care until age 18 have regular, ongoing opportunities to engage in age or developmentally-appropriate activities. Authorizes increased appropriations for the program beginning in FY2020.

(Sec. 112) Limits to children age 16 or older the option, in an initial permanency hearing, of being placed in a planned permanent living arrangement other than a return to home, referral for termination of parental rights, or placement for adoption, with a fit and willing relative (including an adult sibling), or with a legal guardian. Prescribes documentation and determination requirements for such an option.

Prescribes requirements for approval of the case plan and the case system review procedure for any child for whom another planned permanent living arrangement is the permanency plan determined for the child. Specifies as requirements at each permanency hearing: (1) documentation of intensive, ongoing, unsuccessful efforts for family placement; (2) redetermination of the appropriateness of the child's permanent placement or, if more appropriate, another planned permanent living arrangement; and (3) demonstration of state agency support for the child's engaging in age or developmentally-appropriate activities and social events.

(Sec. 113) Gives children age 14 and older authority to participate in: (1) the development of their own case plans, in consultation with up to two members of the case

planning team; as well as (2) transitional planning for a successful adulthood. Specifies additional requirements for a case plan, including specification of a child's rights with respect to education, health, visitation, and court participation, the right to be provided with certain documents (indicated in Sec. 114), and the right to stay safe and avoid exploitation.

(Sec. 114) Requires the case review system to assure that foster children leaving foster care because of having attained age 18 (or a greater age the state has elected), unless in foster care less than six months, are not discharged without being provided with a copy of their birth certificate, Social Security card, health insurance information, copy of medical records, and a driver's license or equivalent state-issued identification card.

(Sec. 115) Requires the Secretary to include in the annual report to Congress on state performance on child protection and child welfare program outcome measures any state-by-state data on children in foster care who have been placed in a child care institution or another setting that is not a foster family home, as well as state-by-state data on children in foster care who are pregnant or parenting.

Subtitle C: National Advisory Committee - (Sec. 121) Amends SSA title XI to establish the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States to advise the Secretary and the Attorney General on practical and general policies concerning improvements to the nation's response to the sex trafficking of children and youth in the United States.

Title II: Improving Adoption Incentives and Extending Family Connection Grants - Subtitle A: Improving Adoption Incentive Payments - (Sec. 201) Amends SSA title IV part E to extend through FY2016 the adoption incentive program.

Revises state eligibility requirements to repeal the requirement based on the number of foster child adoptions during the fiscal year.

Revises the formula for determining the amount of an incentive award to a state, increasing the basic dollar amounts.

Repeals the formula for an increased incentive payment to a state for exceeding its highest ever foster child adoption rate. Replaces it with requirements for an increased incentive payment during FY2013-FY2015 for each timely adoption state determined by the average number of 24 months or fewer between removal of children from their foster care homes to their placement in finalized adoptions.

Prescribes base rates for:

foster child adoptions, pre-adolescent child adoptions and pre-adolescent foster child guardianships, older child adoptions and older foster child guardianships, and foster child guardianships.

(Sec. 203) Renames the adoption incentive program as the adoption and legal guardianship incentive payments program.

(Sec. 204) Requires a state to use its incentive payment to supplement, but not supplant, any federal or non-federal funds used to provide specified child and family services (including post-adoption services) or foster care and adoption assistance.

(Sec. 205) Increases from 24 to 36 months the period for which incentive payments are available for expenditure.

(Sec. 206) Requires states to report annually to the Secretary on the calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance. Requires a state to spend at least 30% of specified savings on post-adoption services, post guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the state, with at least 66% of the spending to comply with such 30% requirement.

(Sec. 207) Preserves the eligibility of a child for kinship guardianship assistance payments when a guardian is replaced with a successor guardian.

(Sec. 208) Directs the Secretary to promulgate regulations providing for the collection and analysis of information regarding children who enter into foster care under the supervision of a state after prior finalization of an adoption or legal guardianship.

(Sec. 209) Requires notification of parents of a sibling, where the parent has legal custody of the sibling, when a child is removed from parental custody.

Subtitle B: Extending the Family Connection Grant Program - (Sec. 221) Extends the family connection grant program through FY2014.

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.

Title III: Improving International Child Support Recovery - (Sec. 301) Amends SSA title IV part D (Child Support and Establishment of Paternity) to direct the Secretary to use the authorities otherwise provided by law to ensure U.S. compliance with any multilateral child support convention to which the United States is a party.

Grants the entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country access to the Federal Parent Locator Service (FPLS).

Grants states the option to require individuals in a foreign country to apply through their country's appropriate Central Authority for child support enforcement services in a foreign reciprocating or foreign treaty country.

Allows the collection of past due support from federal tax refunds for state services for establishment of paternity and child support enforcement requested by a foreign reciprocating country or a foreign country with which the state has an arrangement.

Revises state law requirements involving the use of the Uniform Interstate Family Support Act.

(Sec. 302) Grants Indian tribes access to FPLS.

Treats an Indian tribe or tribal organization operating a child support enforcement program to be a state with authority to conduct specified kinds of experimental, pilot, or demonstration projects to assist in promoting child support objectives. Allows waiver of certain requirements in order to carry out such projects.

(Sec. 303) Expresses the sense of the Congress that: (1) establishing parenting time arrangements when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards, and (2) states should use existing funding sources to support the establishment of parenting time arrangements.

(Sec. 304) Prescribes requirements for data exchange standards for improved interoperability.

(Sec. 305) Directs the Secretary, in conjunction with the strategic plan, to review and provide recommendations for cost-effective improvements to the child support enforcement program, and ensure that the plan addresses the effectiveness and performance of the program, analyzes program practices, identifies possible new collection tools and approaches, and identifies strategies for holding parents accountable.

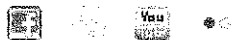
Directs the Secretary to report to Congress on policy options for improvements in child support enforcement.

(Sec. 306) Amends part D (Child Support and Establishment of Paternity) of SSA title IV to give the employer the option of using electronic transmission methods prescribed by the Secretary for income withholding in the collection and disbursement of child support payments.

Title IV: Budgetary Effects - (Sec. 401) Requires that the budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go Act of 2010, be determined by appropriate reference to "Budgetary Effects of PAYGO Legislation."

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