

113TH CONGRESS
2^D SESSION

H. R. 4058

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Sex Traf-
3 ficking and Improving Opportunities for Youth in Foster
4 Care Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

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

- Sec. 101. Identifying and screening youth at risk of sex trafficking.
- 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.
- Sec. 104. Increasing information on youth in foster care to prevent sex trafficking.

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

- Sec. 201. Supporting normalcy for children in foster care.
- Sec. 202. Improvements to another planned permanent living arrangement as a permanency option.
- Sec. 203. Empowering foster youth age 14 and older in the development of their own case plan and transition planning for a successful adulthood.
- Sec. 204. Ensuring foster youth have a birth certificate, Social Security card, health insurance information, medical records, and a bank account.

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

TITLE IV—IMPROVING THE USE OF TECHNOLOGY TO INCREASE
CHILD SUPPORT COLLECTIONS

- Sec. 401. Required electronic processing of income withholding.

7 **SEC. 3. FINDINGS.**

8 The Congress makes the following findings:

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

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

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

10 (4) Within the foster care system, many young
11 adults are housed in congregate care facilities or
12 group homes, which often are targeted by traf-
13 fickers.

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

20 (6) A lack of normalcy and barriers to partici-
21 pation in age or developmentally-appropriate activi-
22 ties contribute to increased vulnerability to traf-
23 ficking, homelessness, and other negative outcomes
24 for children in foster care.

1 (7) The latest research in adolescent brain de-
2 velopment indicates that young people learn through
3 experience and through trial and error, and that as
4 part of healthy brain development young people need
5 to take on increasing levels of decisionmaking
6 through their teenage years.

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

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

13 (B) greater child engagement in case plan-
14 ning while in foster care;

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

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

1 (E) with regard to domestic sex traf-
2 ficking, improved identification, prevention, and
3 intervention by the child welfare agency in col-
4 laboration with the courts, State and local law
5 enforcement agencies, schools, juvenile justice
6 agencies, and other social service providers.

7 **TITLE I—IDENTIFYING AND PRO-**
8 **TECTING YOUTH AT RISK OF**
9 **SEX TRAFFICKING**

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

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

- 14 (1) in subparagraph (A), by striking “and”;
15 (2) in subparagraph (B), by inserting “and”
16 after the semicolon; and
17 (3) by adding at the end the following:

18 “(C) not later than—

19 “(i) 1 year after the date of the enact-
20 ment of this subparagraph, demonstrate to
21 the Secretary that the State agency has
22 developed, in consultation with organiza-
23 tions with experience in dealing with at-
24 risk youth, policies and procedures for
25 identifying and screening (including rel-

1 evant training for caseworkers), and for
2 determining appropriate State action and
3 services with respect to—

4 “(I) any child over whom the
5 State agency has responsibility for
6 placement, care, or supervision (in-
7 cluding children for whom a State
8 child welfare agency has an open case
9 file but who have not been removed
10 from the home and youth who are not
11 in foster care but are receiving serv-
12 ices under section 477 of this Act)
13 who the State has reasonable cause to
14 believe—

15 “(aa) is a victim of sex traf-
16 ficking (as defined in section
17 103(10) of the Trafficking Vic-
18 tims Protection Act of 2000 (22
19 U.S.C. 7102(10))) or a severe
20 form of trafficking in persons de-
21 scribed in section 103(9)(A) of
22 such Act (22 U.S.C.
23 7102(9)(A)); or

1 “(bb) is at risk of being a
2 victim of either kind of traf-
3 ficking; and

4 “(II) at the option of the State,
5 any individual, without regard to
6 whether the individual is or was in
7 foster care under the responsibility of
8 the State, who has not attained 26
9 years of age; and

10 “(ii) 2 years after such date of enact-
11 ment, demonstrate to the Secretary that
12 the State agency is implementing, in con-
13 sultation with the child protective services
14 agency or unit for the State, the policies
15 and procedures referred to in clause (i).”.

16 **SEC. 102. DOCUMENTING AND REPORTING INSTANCES OF**
17 **SEX TRAFFICKING.**

18 (a) STATE PLAN REQUIREMENTS.—Section 471(a)
19 of the Social Security Act (42 U.S.C. 671(a)) is amend-
20 ed—

21 (1) by striking “and” at the end of paragraph

22 (32);

23 (2) by striking the period at the end of para-
24 graph (33) and inserting a semicolon; and

25 (3) by adding at the end the following:

1 “(34) provides that, for each child over whom
2 the State agency has responsibility for placement,
3 care, or supervision (including any child for whom a
4 State child welfare agency has an open case file but
5 who has not been removed from the home, and any
6 youth who is not in foster care but is receiving serv-
7 ices under section 477), the State agency shall—

8 “(A) not later than 2 years after the date
9 of the enactment of this paragraph, identify
10 and document appropriately in agency records
11 each child who is identified as being a victim of
12 sex trafficking (as defined in section 103(10) of
13 the Trafficking Victims Protection Act of 2000)
14 or as being a victim of severe forms of traf-
15 ficking in persons described in section
16 103(9)(A) of such Act, as such a victim; and

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

19 “(i) information on children who have
20 been identified as being victims of sex traf-
21 ficking (as defined in subparagraph (A) of
22 this paragraph) to the law enforcement au-
23 thorities; and

24 “(ii) information on missing or ab-
25 ducted children to the law enforcement au-

1 thorities for entry into the National Crime
2 Information Center (NCIC) database of
3 the Federal Bureau of Investigation, estab-
4 lished pursuant to section 534 of title 28,
5 United States Code, and to the National
6 Center for Missing and Exploited Children;
7 and

8 “(35) not later than 2 years after the date of
9 the enactment of this paragraph, contains a regu-
10 larly updated description, made available to the pub-
11 lic on the Internet website of the State agency, of
12 the specific measures taken by the State agency to
13 protect and provide services to children who are vic-
14 tims of sex trafficking (as defined in section 103(10)
15 of the Trafficking Victims Protection Act of 2000),
16 or victims of severe forms of trafficking in persons
17 described in section 103(9)(A) of such Act, including
18 efforts to coordinate with State and local law en-
19 forcement, schools, juvenile justice agencies, and so-
20 cial service agencies such as runaway and homeless
21 youth shelters and transitional and other supportive
22 housing providers to serve that population.”.

23 (b) REGULATIONS.—The Secretary of Health and
24 Human Services shall promulgate regulations imple-
25 menting the amendments made by subsection (a) of this

1 section and shall provide uniform definitions for States to
2 use for the reports required under section 471(a)(34)(B)
3 of the Social Security Act, as added by such subsection
4 (a).

5 **SEC. 103. STATE PLAN REQUIREMENT TO LOCATE AND RE-**
6 **SPOND TO CHILDREN WHO RUN AWAY FROM**
7 **FOSTER CARE.**

8 Section 471(a) of the Social Security Act (42 U.S.C.
9 671(a)), as amended by section 102 of this Act, is amend-
10 ed—

11 (1) by striking “and” at the end of paragraph
12 (34);

13 (2) by striking the period at the end of para-
14 graph (35) and inserting “; and”; and

15 (3) by adding at the end the following:

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

20 “(A) expeditiously locating any child miss-
21 ing from foster care;

22 “(B) determining the primary factors that
23 contributed to the child’s running away or oth-
24 erwise being absent from care, and to the ex-
25 tent possible and appropriate, responding to

1 those factors in current and subsequent place-
2 ments;

3 “(C) determining the child’s experiences
4 while absent from care, including screening the
5 child to determine if he or she is a possible vic-
6 tim of sex trafficking (as defined in paragraph
7 (9)(C)); and

8 “(D) reporting such related information as
9 required by the Secretary.”.

10 **SEC. 104. INCREASING INFORMATION ON YOUTH IN FOS-**
11 **TER CARE TO PREVENT SEX TRAFFICKING.**

12 Not later than 2 years after the date of the enact-
13 ment of this Act, the Secretary of Health and Human
14 Services shall submit to the Congress a written report
15 which summarizes the following:

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

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

24 (B) potential factors associated with chil-
25 dren running away from foster care (such as

1 reason for entry into care, length of stay in
2 care, type of placement, and other factors that
3 contributed to the child's running away);

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

6 (D) trends in the number of children re-
7 ported as runaways in each fiscal year (includ-
8 ing factors that may have contributed to
9 changes in such trends).

10 (2) Information on State efforts to provide spe-
11 cialized services, foster family homes, or child care
12 institutions for children who are victims of sex traf-
13 ficking.

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

1 **TITLE II—IMPROVING OPPORTU-**
2 **NITIES FOR YOUTH IN FOS-**
3 **TER CARE AND SUPPORTING**
4 **PERMANENCY**

5 **SEC. 201. SUPPORTING NORMALCY FOR CHILDREN IN FOS-**
6 **TER CARE.**

7 (a) REASONABLE AND PRUDENT PARENT STAND-
8 ARD.—

9 (1) DEFINITIONS RELATING TO THE STAND-
10 ARD.—Section 475 of the Social Security Act (42
11 U.S.C. 675) is amended by adding at the end the
12 following:

13 “(9)(A) The term ‘reasonable and prudent par-
14 ent standard’ means the standard characterized by
15 careful and sensible parental decisions that maintain
16 the health, safety, and best interests of a child while
17 at the same time encouraging the emotional and de-
18 velopmental growth of the child, that a caregiver
19 shall use when determining whether to allow a child
20 in foster care under the responsibility of the State
21 to participate in extracurricular, enrichment, cul-
22 tural, and social activities.

23 “(B) For purposes of subparagraph (A), the
24 term ‘caregiver’ means a foster parent with whom a
25 child in foster care has been placed or a designated

1 official for a child care institution in which a child
2 in foster care has been placed.

3 “(10) The term ‘age or developmentally-appro-
4 priate’ means—

5 “(A) activities or items that are generally
6 accepted as suitable for children of the same
7 chronological age or level of maturity or that
8 are determined to be developmentally-appro-
9 priate for a child, based on the development of
10 cognitive, emotional, physical, and behavioral
11 capacities that are typical for an age or age
12 group; and

13 “(B) in the case of a specific child, activi-
14 ties or items that are suitable for the child
15 based on the developmental stages attained by
16 the child with respect to the cognitive, emo-
17 tional, physical, and behavioral capacities of the
18 child.”.

19 (2) STATE PLAN REQUIREMENT.—Section
20 471(a)(24) of such Act (42 U.S.C. 671(a)(24)) is
21 amended—

22 (A) by striking “include” and inserting
23 “includes”;

24 (B) by striking “and that such prepara-
25 tion” and inserting “that the preparation”; and

1 (C) by inserting “, and that the prepara-
2 tion shall include knowledge and skills relating
3 to the reasonable and prudent parent standard
4 for the participation of the child in age or de-
5 velopmentally-appropriate activities, including
6 knowledge and skills relating to the develop-
7 mental stages of the cognitive, emotional, phys-
8 ical, and behavioral capacities of a child, and
9 knowledge and skills relating to applying the
10 standard to decisions such as whether to allow
11 the child to engage in social, extracurricular,
12 enrichment, cultural, and social activities, in-
13 cluding sports, field trips, and overnight activi-
14 ties lasting 1 or more days, and to decisions in-
15 volving the signing of permission slips and ar-
16 ranging of transportation for the child to and
17 from extracurricular, enrichment, and social ac-
18 tivities” before the semicolon.

19 (3) TECHNICAL ASSISTANCE.—The Secretary of
20 Health and Human Services shall provide assistance
21 to the States on best practices for devising strategies
22 to assist foster parents in applying a reasonable and
23 prudent parent standard in a manner that protects
24 child safety, while also allowing children to experi-
25 ence normal and beneficial activities, including meth-

1 ods for appropriately considering the concerns of the
2 biological parents of a child in decisions related to
3 participation of the child in activities (with the un-
4 derstanding that those concerns should not nec-
5 essarily determine the participation of the child in
6 any activity).

7 (b) NORMALCY FOR CHILDREN IN CHILD CARE IN-
8 STITUTIONS.—Section 471(a)(10) of such Act (42 U.S.C.
9 671(a)(10)) is amended to read as follows:

10 “(10) provides—

11 “(A) for the establishment or designation
12 of a State authority or authorities that shall be
13 responsible for establishing and maintaining
14 standards for foster family homes and child
15 care institutions which are reasonably in accord
16 with recommended standards of national orga-
17 nizations concerned with standards for the in-
18 stitutions or homes, including standards related
19 to admission policies, safety, sanitation, and
20 protection of civil rights, and which shall permit
21 use of the reasonable and prudent parenting
22 standard;

23 “(B) that the standards established pursu-
24 ant to subparagraph (A) shall be applied by the
25 State to any foster family home or child care

1 institution receiving funds under this part or
2 part B and shall require, as a condition of any
3 contract entered into by the State agency and
4 a child care institution, the presence on-site of
5 at least 1 official who, with respect to any child
6 placed at the child care institution, is des-
7 ignated to be the caregiver who is authorized to
8 apply the reasonable and prudent parent stand-
9 ard to decisions involving the participation of
10 the child in age or developmentally-appropriate
11 activities, and who is provided with training in
12 how to use and apply the reasonable and pru-
13 dent parent standard in the same manner as
14 prospective foster parents are provided the
15 training pursuant to paragraph (24);

16 “(C) that the standards established pursu-
17 ant to subparagraph (A) shall include policies
18 related to the liability of foster parents and pri-
19 vate entities under contract by the State involv-
20 ing the application of the reasonable and pru-
21 dent parent standard, to ensure appropriate li-
22 ability for caregivers when a child participates
23 in an approved activity and the caregiver ap-
24 proving the activity acts in accordance with the
25 reasonable and prudent parent standard; and

1 “(D) that a waiver of any standards estab-
2 lished pursuant to subparagraph (A) may be
3 made only on a case-by-case basis for nonsafety
4 standards (as determined by the State) in rel-
5 ative foster family homes for specific children in
6 care;”.

7 (c) 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 without regard to whether regulations to implement
12 the amendments have been promulgated by that
13 date.

14 (2) DELAY PERMITTED IF STATE LEGISLATION
15 REQUIRED.—If the Secretary of Health and Human
16 Services determines that State legislation (other
17 than legislation appropriating funds) is required in
18 order for a State plan developed pursuant to part E
19 of title IV of the Social Security Act to meet the ad-
20 ditional requirements imposed by the amendments
21 made by this section, the plan shall not be regarded
22 as failing to meet any of the additional requirements
23 before the 1st day of the 1st calendar quarter begin-
24 ning after the 1st regular session of the State legis-
25 lature that begins after the date of the enactment of

1 this Act. If the State has a 2-year legislative session,
2 each year of the session is deemed to be a separate
3 regular session of the State legislature.

4 **SEC. 202. IMPROVEMENTS TO ANOTHER PLANNED PERMA-**
5 **NENT LIVING ARRANGEMENT AS A PERMA-**
6 **NENCY OPTION.**

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

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

14 (2) **CONFORMING AMENDMENT.—**Section
15 422(b)(8)(A)(iii)(II) of such Act (42 U.S.C.
16 622(b)(8)(A)(iii)(II)) is amended by inserting “,
17 subject to the requirements of sections 475(5)(C)
18 and 475A(a)” after “arrangement”.

19 (b) **ADDITIONAL REQUIREMENTS.—**

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

1 **“SEC. 475A. ADDITIONAL CASE PLAN AND CASE REVIEW**
2 **SYSTEM REQUIREMENTS.**

3 “(a) **REQUIREMENTS FOR ANOTHER PLANNED PER-**
4 **MANENT LIVING ARRANGEMENT.**—In the case of any
5 child for whom another planned permanent living arrange-
6 ment is the permanency plan for the child, the following
7 requirements shall apply for purposes of approving the
8 case plan for the child and the case system review proce-
9 dure for the child:

10 “(1) **DOCUMENTATION OF INTENSIVE, ONGO-**
11 **ING, UNSUCCESSFUL EFFORTS FOR FAMILY PLACE-**
12 **MENT.**—At each permanency hearing held with re-
13 spect to the child, the State agency documents the
14 intensive, ongoing, and, as of the date of the hear-
15 ing, unsuccessful efforts made by the State agency
16 to return the child home or secure a placement for
17 the child with a fit and willing relative (including
18 adult siblings), a legal guardian, or an adoptive par-
19 ent, including through efforts that utilize search
20 technology (including social media) to find biological
21 family members for children in the child welfare sys-
22 tem.

23 “(2) **REDETERMINATION OF APPROPRIATENESS**
24 **OF PLACEMENT AT EACH PERMANENCY HEARING.**—
25 The State agency shall implement procedures to en-
26 sure that, at each permanency hearing held with re-

1 spect to the child, the court or administrative body
2 appointed or approved by the court conducting the
3 hearing on the permanency plan for the child does
4 the following:

5 “(A) Ask the child about the desired per-
6 manency outcome for the child.

7 “(B) Make a judicial determination ex-
8 plaining why, as of the date of the hearing, an-
9 other planned permanent living arrangement is
10 the best permanency plan for the child and pro-
11 vide compelling reasons why it continues to not
12 be in the best interests of the child to—

13 “(i) return home;

14 “(ii) be placed for adoption;

15 “(iii) be placed with a legal guardian;

16 or

17 “(iv) be placed with a fit and willing
18 relative.

19 “(3) DEMONSTRATION OF SUPPORT FOR EN-
20 GAGING IN AGE OR DEVELOPMENTALLY-APPRO-
21 PRIATE ACTIVITIES AND SOCIAL EVENTS.—At each
22 permanency hearing held with respect to the child,
23 the State agency shall document the steps the State
24 agency is taking to ensure the child’s foster family

1 home or child care institution is following the rea-
2 sonable and prudent parent standard.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) STATE PLAN REQUIREMENTS.—

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

10 (ii) PART E.—Section 471(a)(16) of
11 such Act (42 U.S.C. 671(a)(16)) is amend-
12 ed—

13 (I) by inserting “and in accord-
14 ance with the requirements of section
15 475A” after “section 475(1)”; and

16 (II) by striking “section
17 475(5)(B)” and inserting “sections
18 475(5) and 475A”.

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

21 (i) in paragraph (1), in the matter
22 preceding subparagraph (A), by inserting
23 “meets the requirements of section 475A
24 and” after “written document which”; and

25 (ii) in paragraph (5)(C)—

1 (I) by inserting “, as of the date
2 of the hearing,” after “compelling rea-
3 son for determining”; and

4 (II) by inserting “subject to sec-
5 tion 475A(a),” after “another planned
6 permanent living arrangement,”.

7 (c) 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.

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

5 (a) IN GENERAL.—Section 475(1)(B) of the Social
6 Security Act (42 U.S.C. 675(1)(B)) is amended by adding
7 at the end the following: “With respect to a child who has
8 attained 14 years of age, the plan developed for the child
9 in accordance with this paragraph, and any revision or ad-
10 dition to the plan, shall be developed in consultation with
11 the child and, at the option of the child, with up to 2 mem-
12 bers of the case planning team who are chosen by the child
13 and who are not a foster parent of, or caseworker for, the
14 child. A State may reject an individual selected by a child
15 to be a member of the case planning team at any time
16 if the State has good cause to believe that the individual
17 would not act in the best interests of the child. One indi-
18 vidual selected by a child to be a member of the child’s
19 case planning team may be designated to be the child’s
20 advisor and, as necessary, advocate, with respect to the
21 application of the reasonable and prudent parent standard
22 to the child.”.

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

1 (1) in paragraph (1)(D), by striking “Where
2 appropriate, for a child age 16” and inserting “For
3 a child who has attained 14 years of age”; and

4 (2) in paragraph (5)—

5 (A) in subparagraph (C)—

6 (i) by striking “and” at the end of
7 clause (ii); and

8 (ii) by adding at the end the fol-
9 lowing: “and (iv) if a child has attained 14
10 years of age, the permanency plan devel-
11 oped for the child, and any revision or ad-
12 dition to the plan, shall be developed in
13 consultation with the child and, at the op-
14 tion of the child, with not more than 2
15 members of the permanency planning team
16 who are selected by the child and who are
17 not a foster parent of, or caseworker for,
18 the child, except that the State may reject
19 an individual so selected by the child if the
20 State has good cause to believe that the in-
21 dividual would not act in the best interests
22 of the child, and 1 individual so selected by
23 the child may be designated to be the
24 child’s advisor and, as necessary, advocate,
25 with respect to the application of the rea-

1 sonable and prudent standard to the
2 child;” and

3 (B) in subparagraph (I), by striking “16”
4 and inserting “14”.

5 (c) TRANSITION PLANNING FOR A SUCCESSFUL
6 ADULTHOOD.—Paragraphs (1)(D), (5)(C)(i), and
7 (5)(C)(iii) of section 475 of such Act (42 U.S.C. 675) are
8 each amended by striking “independent living” and insert-
9 ing “a successful adulthood”.

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

13 “(b) LIST OF RIGHTS.—The case plan for any child
14 in foster care under the responsibility of the State who
15 has attained 14 years of age shall include a document that
16 describes the rights of the child with respect to education,
17 health, visitation, and court participation, and to staying
18 safe and avoiding exploitation, and a signed acknowledg-
19 ment by the child that the child has been provided with
20 a copy of the document and that the rights contained in
21 the document have been explained to the child in an age-
22 appropriate way.”.

23 (e) REPORT.—Not later than 2 years after the date
24 of the enactment of this Act, the Secretary of Health and
25 Human Services shall submit a report to Congress regard-

1 ing the implementation of the amendments made by this
2 section. The report shall include—

3 (1) an analysis of how States are administering
4 the requirements of paragraphs (1)(B) and (5)(C) of
5 section 475 of the Social Security Act, as amended
6 by subsections (a) and (b) of this section, that a
7 child in foster care who has attained 14 years of age
8 be permitted to select up to 2 members of the case
9 planning team or permanency planning team for the
10 child from individuals who are not a foster parent
11 of, or caseworker for, the child; and

12 (2) a description of best practices of States with
13 respect to the administration of the requirements.

14 (f) EFFECTIVE DATE.—

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

18 (2) DELAY PERMITTED IF STATE LEGISLATION
19 REQUIRED.—If the Secretary of Health and Human
20 Services determines that State legislation (other
21 than legislation appropriating funds) is required in
22 order for a State plan developed pursuant to part E
23 of title IV of the Social Security Act to meet the ad-
24 ditional requirements imposed by the amendments
25 made by this section, the plan shall not be regarded

1 as failing to meet any of the additional requirements
2 before the 1st day of the 1st calendar quarter begin-
3 ning after the 1st regular session of the State legis-
4 lature that begins after the date of the enactment of
5 this Act. If the State has a 2-year legislative session,
6 each year of the session is deemed to be a separate
7 regular session of the State legislature.

8 **SEC. 204. ENSURING FOSTER YOUTH HAVE A BIRTH CER-**
9 **TIFICATE, SOCIAL SECURITY CARD, HEALTH**
10 **INSURANCE INFORMATION, MEDICAL**
11 **RECORDS, AND A BANK ACCOUNT.**

12 (a) CASE REVIEW SYSTEM REQUIREMENT.—Section
13 475(5)(I) of the Social Security Act (42 U.S.C. 675(5)(I))
14 is amended—

15 (1) by striking “and receives assistance” and
16 inserting “receives assistance”; and

17 (2) by inserting “, and, unless the child has
18 been in foster care for less than 6 months or the
19 child is being discharged from care to be reunited
20 with the family of the child or to be adopted, is not
21 discharged from care without being provided with an
22 official birth certificate of the child, a social security
23 card issued by the Commissioner of Social Security,
24 health insurance information and medical records,
25 and if the child has attained 18 years of age, a fee-

1 free (or low-fee) transaction account (as defined in
2 section 19(b)(1)(C) of the Federal Reserve Act (12
3 U.S.C. 461(b)(1)(C))) established in the name of the
4 child name at an insured depository institution (as
5 defined in section 3 of the Federal Deposit Insur-
6 ance Act (12 U.S.C. 1813)) or an insured credit
7 union (as defined in section 101 of the Federal
8 Credit Union Act (12 U.S.C. 1752)), unless the
9 child, after consultation with the members of the
10 case planning team for the child selected by the child
11 (if any), elects to not have such an account estab-
12 lished” before the period.

13 (b) EFFECTIVE DATE.—

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

17 (2) DELAY PERMITTED IF STATE LEGISLATION
18 REQUIRED.—If the Secretary of Health and Human
19 Services determines that State legislation (other
20 than legislation appropriating funds) is required in
21 order for a State plan developed pursuant to part E
22 of title IV of the Social Security Act to meet the ad-
23 ditional requirements imposed by the amendments
24 made by this section, the plan shall not be regarded
25 as failing to meet any of the additional requirements

1 before the 1st day of the 1st calendar quarter begin-
2 ning after the 1st regular session of the State legis-
3 lature that begins after the date of the enactment of
4 this Act. If the State has a 2-year legislative session,
5 each year of the session is deemed to be a separate
6 regular session of the State legislature.

7 **TITLE III—IMPROVING DATA**
8 **COLLECTION AND REPORT-**
9 **ING ON CHILD SEX TRAF-**
10 **FICKING**

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

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

16 (1) in subparagraph (C)(iii), by striking “and”
17 after the comma; and

18 (2) by adding at the end the following:

19 “(E) the annual number of children in fos-
20 ter care who are identified as victims of sex
21 trafficking (as defined in section 103(10) of the
22 Trafficking Victims Protection Act of 2000 (22
23 U.S.C. 7102(10))) or a severe form of traf-
24 ficking in persons described in section
25 103(9)(A) of such Act—

1 “(i) who were such victims before en-
2 tering foster care; and

3 “(ii) who were such victims while in
4 foster care; and”.

5 (b) REPORT TO CONGRESS.—Beginning in fiscal year
6 2016, the Secretary of Health and Human Services shall
7 submit an annual report to Congress that contains the an-
8 nual aggregate number of children in foster care who are
9 identified as victims of sex trafficking (as defined in sec-
10 tion 103(10) of the Trafficking Victims Protection Act of
11 2000 (22 U.S.C. 7102(10))) or a severe form of traf-
12 ficking in persons described in section 103(9)(A) of such
13 Act, together with such other information as the Secretary
14 determines appropriate relating to the identification of,
15 and provision of services for, that population of children.

16 **SEC. 302. INFORMATION ON CHILDREN IN FOSTER CARE IN**
17 **ANNUAL REPORTS USING AFCARS DATA; CON-**
18 **SULTATION.**

19 Section 479A of the Social Security Act (42 U.S.C.
20 679b) is amended—

21 (1) by striking “The Secretary” and inserting
22 the following:

23 “(a) IN GENERAL.—The Secretary”;

24 (2) in paragraph (5), by striking “and” after
25 the semicolon;

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

3 (4) by adding at the end the following:

4 “(7) include in the report submitted pursuant
5 to paragraph (5) for fiscal year 2016 or any suc-
6 ceeding fiscal year, State-by-State data on children
7 in foster care who have been placed in a child care
8 institution or other setting that is not a foster fam-
9 ily home, including—

10 “(A) the number of children in the place-
11 ments and their ages, including separately, the
12 number and ages of children who have a perma-
13 nency plan of another planned permanent living
14 arrangement;

15 “(B) the duration of the placement in the
16 settings (including for children who have a per-
17 manency plan of another planned permanent
18 living arrangement);

19 “(C) the types of child care institutions
20 used (including group homes, residential treat-
21 ment, shelters, or other congregate care set-
22 tings);

23 “(D) with respect to each child care insti-
24 tution or other setting that is not a foster fam-
25 ily home, the number of children in foster care

1 residing in each such institution or non-foster
2 family home;

3 “(E) any clinically diagnosed special need
4 of such children; and

5 “(F) the extent of any specialized edu-
6 cation, treatment, counseling, or other services
7 provided in the settings; and

8 “(8) include in the report submitted pursuant
9 to paragraph (5) for fiscal year 2016 or any suc-
10 ceeding fiscal year, State-by-State data on children
11 in foster care who are pregnant or parenting.”; and

12 (5) by adding at the end the following:

13 “(b) CONSULTATION ON OTHER ISSUES.—The Sec-
14 retary shall consult with States and organizations with an
15 interest in child welfare, including organizations that pro-
16 vide adoption and foster care services, and shall take into
17 account requests from Members of Congress, in selecting
18 other issues to be analyzed and reported on under this
19 section using data available to the Secretary, including
20 data reported by States through the Adoption and Foster
21 Care Analysis and Reporting System and to the National
22 Youth in Transition Database.”.

1 **TITLE IV—IMPROVING THE USE**
2 **OF TECHNOLOGY TO IN-**
3 **CREASE CHILD SUPPORT**
4 **COLLECTIONS**

5 **SEC. 401. REQUIRED ELECTRONIC PROCESSING OF INCOME**
6 **WITHHOLDING.**

7 (a) IN GENERAL.—Section 454A(g)(1) of the Social
8 Security Act (42 U.S.C. 654a(g)(1)(A)) is amended—

9 (1) by striking “, to the maximum extent fea-
10 sible,”; and

11 (2) in subparagraph (A)—

12 (A) by striking “and” at the end of clause
13 (i);

14 (B) by adding “and” at the end of clause
15 (ii); and

16 (C) by adding at the end the following:

17 “(iii) at the option of the employer,
18 using the electronic transmission methods
19 prescribed by the Secretary;”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on October 1, 2017.

Passed the House of Representatives May 20, 2014.

Attest:

Clerk.

113TH CONGRESS
2^D SESSION

H. R. 4058

AN ACT

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