

113TH CONGRESS
2^D SESSION

H. R. 4058

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2014

Mr. REICHERT (for himself, Mr. DOGGETT, Mr. PAULSEN, Mr. LEVIN, Mr. ROSKAM, Mr. McDERMOTT, Mr. BUCHANAN, Mr. LEWIS, Mr. YOUNG of Indiana, Mr. CROWLEY, Mr. GRIFFIN of Arkansas, Mr. DANNY K. DAVIS of Illinois, Mr. RENACCI, Ms. SLAUGHTER, Mrs. WAGNER, Ms. BASS, and Mr. LANGEVIN) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. TABLE OF CONTENTS.**

8 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.

1 SEC. 3. FINDINGS.

2 The Congress makes the following findings:

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

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

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

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

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

11 (6) A lack of normalcy and barriers to partici-
12 pation in age or developmentally-appropriate activi-
13 ties contribute to increased vulnerability to traf-
14 ficking, homelessness, and other negative outcomes
15 for children in foster care.

16 (7) The latest research in adolescent brain de-
17 velopment indicates that young people learn through
18 experience and through trial and error, and that as
19 part of healthy brain development young people need
20 to take on increasing levels of decisionmaking
21 through their teenage years.

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

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

3 (B) greater child engagement in case plan-
4 ning while in foster care;

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

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

15 (E) with regard to domestic sex traf-
16 ficking, improved identification, prevention, and
17 intervention by the child welfare agency in col-
18 laboration with the courts, local law enforce-
19 ment agencies, schools, juvenile justice agencies,
20 and other social service providers.

1 **TITLE I—IDENTIFYING AND PRO-**
2 **TECTING YOUTH AT RISK OF**
3 **SEX TRAFFICKING**

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

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

- 8 (1) in subparagraph (A), by striking “and”;
9 (2) in subparagraph (B), by inserting “and”
10 after the semicolon; and
11 (3) by adding at the end the following:

12 “(C) not later than—
13 “(i) 1 year after the date of the enact-
14 ment of this subparagraph, demonstrate to
15 the Secretary that the State agency has
16 developed, in consultation with organiza-
17 tions with experience in dealing with at-
18 risk youth, policies and procedures for
19 identifying and screening (including rel-
20 evant training for caseworkers), and for
21 determining appropriate State action and
22 services with respect to—

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

1 including children for whom a State
2 child welfare agency has an open case
3 file but who have not been removed
4 from the home and youth who are not
5 in foster care but are receiving serv-
6 ices under section 477 of this Act)
7 who the State has reasonable cause to
8 believe—

9 “(aa) is a victim of sex traf-
10 ficking (as defined in section
11 103(10) of the Trafficking Vic-
12 tims Protection Act of 2000 (22
13 U.S.C. 7102(10))) or a severe
14 form of trafficking in persons de-
15 scribed in section 103(9)(A) of
16 such Act (22 U.S.C.
17 7102(9)(A)); or

18 “(bb) is at risk of being a
19 victim of either kind of traf-
20 ficking; and

21 “(II) at the option of the State,
22 any individual, without regard to
23 whether the individual is or was in
24 foster care under the responsibility of

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

3 “(ii) 2 years after such date of enact-
4 ment, demonstrate to the Secretary that
5 the State agency is implementing, in con-
6 sultation with the child protective services
7 agency or unit for the State, the policies
8 and procedures referred to in clause (i).”.

9 **SEC. 102. DOCUMENTING AND REPORTING INSTANCES OF**
10 **SEX TRAFFICKING.**

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

14 (1) by striking “and” at the end of paragraph
15 (32);

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

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

19 “(34) provides that, for each child over whom
20 the State agency has responsibility for placement,
21 care, or supervision (including any child for whom a
22 State child welfare agency has an open case file but
23 who has not been removed from the home, and any
24 child who is not in foster care but is receiving serv-
25 ices under section 477), the State agency shall—

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

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

12 “(i) information on children who have
13 been identified as being victims of sex traf-
14 ficking (as defined in subparagraph (A) of
15 this paragraph) to the law enforcement au-
16 thorities; and

17 “(ii) information on missing or ab-
18 ducted children to the law enforcement au-
19 thorities for entry into the National Crime
20 Information Center (NCIC) database of
21 the Federal Bureau of Investigation, estab-
22 lished pursuant to section 534 of title 28,
23 United States Code, and to the National
24 Center for Missing and Exploited Children;
25 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).

1 **SEC. 103. STATE PLAN REQUIREMENT TO LOCATE AND RE-**
2 **SPOND TO CHILDREN WHO RUN AWAY FROM**
3 **FOSTER CARE.**

4 Section 471(a) of the Social Security Act (42 U.S.C.
5 671(a)), as amended by section 102 of this Act, is amend-
6 ed—

7 (1) by striking “and” at the end of paragraph
8 (34);

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

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

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

16 “(A) expeditiously locating any child miss-
17 ing from foster care;

18 “(B) determining the primary factors that
19 contributed to the child’s running away or oth-
20 erwise being absent from care, and to the ex-
21 tent possible and appropriate, responding to
22 those factors in current and subsequent place-
23 ments;

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

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

3 “(D) reporting such related information as
4 required by the Secretary.”.

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

7 Not later than 2 years after the date of the enact-
8 ment of this Act, the Secretary of Health and Human
9 Services shall submit to the Congress a written report
10 which summarizes the following:

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

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

19 (B) potential factors associated with chil-
20 dren running away from foster care (such as
21 reason for entry into care, length of stay in
22 care, type of placement, and other factors that
23 contributed to the child’s running away);

24 (C) information on children’s experiences
25 while absent from care; and

1 (D) trends in the number of children re-
2 ported as runaways in each fiscal year (includ-
3 ing factors that may have contributed to
4 changes in such trends).

5 (2) Information on State efforts to provide spe-
6 cialized services, foster family homes, or child care
7 institutions for children who are victims of sex traf-
8 ficking.

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

15 **TITLE II—IMPROVING OPPORTU-**
16 **NITIES FOR YOUTH IN FOS-**
17 **TER CARE AND SUPPORTING**
18 **PERMANENCY**

19 **SEC. 201. SUPPORTING NORMALCY FOR CHILDREN IN FOS-**
20 **TER CARE.**

21 (a) REASONABLE AND PRUDENT PARENT STAND-
22 ARD.—

23 (1) DEFINITIONS RELATING TO THE STAND-
24 ARD.—Section 475 of the Social Security Act (42

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

3 “(9)(A) The term ‘reasonable and prudent par-
4 ent standard’ means the standard characterized by
5 careful and sensible parental decisions that maintain
6 the health, safety, and best interests of a child while
7 at the same time encouraging the emotional and de-
8 velopmental growth of the child, that a caregiver
9 shall use when determining whether to allow a child
10 in foster care under the responsibility of the State
11 to participate in extracurricular, enrichment, cul-
12 tural, and social activities.

13 “(B) For purposes of subparagraph (A), the
14 term ‘caregiver’ means a foster parent with whom a
15 child in foster care has been placed or a designated
16 official for a child care institution in which a child
17 in foster care has been placed.

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

20 “(A) activities or items that are generally
21 accepted as suitable for children of the same
22 chronological age or level of maturity or that
23 are determined to be developmentally-appro-
24 priate for a child, based on the development of
25 cognitive, emotional, physical, and behavioral

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

3 “(B) in the case of a specific child, activi-
4 ties or items that are suitable for the child
5 based on the developmental stages attained by
6 the child with respect to the cognitive, emo-
7 tional, physical, and behavioral capacities of the
8 child.”.

9 (2) STATE PLAN REQUIREMENT.—Section
10 471(a)(24) of such Act (42 U.S.C. 671(a)(24)) is
11 amended—

12 (A) by striking “include” and inserting
13 “includes”;

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

16 (C) by inserting “, and that the prepara-
17 tion shall include knowledge and skills relating
18 to the reasonable and prudent parent standard
19 for the participation of the child in age or de-
20 velopmentally-appropriate activities, including
21 knowledge and skills relating to the develop-
22 mental stages of the cognitive, emotional, phys-
23 ical, and behavioral capacities of a child, and
24 knowledge and skills relating to applying the
25 standard to decisions such as whether to allow

1 the child to engage in social, extracurricular,
2 enrichment, cultural, and social activities, in-
3 cluding sports, field trips, and overnight activi-
4 ties lasting 1 or more days, and to decisions in-
5 volving the signing of permission slips and ar-
6 ranging of transportation for the child to and
7 from extracurricular, enrichment, and social ac-
8 tivities” before the semicolon.

9 (3) TECHNICAL ASSISTANCE.—The Secretary of
10 Health and Human Services shall provide assistance
11 to the States on best practices for devising strategies
12 to assist foster parents in applying a reasonable and
13 prudent parent standard in a manner that protects
14 child safety, while also allowing children to experi-
15 ence normal and beneficial activities, including meth-
16 ods for appropriately considering the concerns of the
17 biological parents of a child in decisions related to
18 participation of the child in activities (with the un-
19 derstanding that those concerns should not nec-
20 essarily determine the participation of the child in
21 any activity).

22 (b) NORMALCY FOR CHILDREN IN CHILD CARE IN-
23 STITUTIONS.—Section 471(a)(10) of such Act (42 U.S.C.
24 671(a)(10)) is amended to read as follows:

25 “(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

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

5 (2) DELAY PERMITTED IF STATE LEGISLATION
6 REQUIRED.—If the Secretary of Health and Human
7 Services determines that State legislation (other
8 than legislation appropriating funds) is required in
9 order for a State plan developed pursuant to part E
10 of title IV of the Social Security Act to meet the ad-
11 ditional requirements imposed by the amendments
12 made by this section, the plan shall not be regarded
13 as failing to meet any of the additional requirements
14 before the 1st day of the 1st calendar quarter begin-
15 ning after the 1st regular session of the State legis-
16 lature that begins after the date of the enactment of
17 this Act. If the State has a 2-year legislative session,
18 each year of the session is deemed to be a separate
19 regular session of the State legislature.

20 **SEC. 202. IMPROVEMENTS TO ANOTHER PLANNED PERMA-**
21 **NENT LIVING ARRANGEMENT AS A PERMA-**
22 **NENCY OPTION.**

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

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-

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

3 “(i) return home;

4 “(ii) be placed for adoption;

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

6 or

7 “(iv) be placed with a fit and willing
8 relative.

9 “(3) DEMONSTRATION OF SUPPORT FOR EN-
10 GAGING IN AGE OR DEVELOPMENTALLY-APPRO-
11 PRIATE ACTIVITIES AND SOCIAL EVENTS.—At each
12 permanency hearing held with respect to the child,
13 the State agency shall document the steps the State
14 agency is taking to ensure the child’s foster family
15 home or child care institution is following the rea-
16 sonable and prudent parent standard specified in
17 paragraphs (10) and (24) of section 471(a).”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) STATE PLAN REQUIREMENTS.—

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

1 (ii) PART E.—Section 471(a)(16) of
2 such Act (42 U.S.C. 671(a)(16)) is amend-
3 ed—

4 (I) by inserting “and in accord-
5 ance with the requirements of section
6 475A” after “section 475(1)”; and

7 (II) by striking “section
8 475(5)(B)” and inserting “sections
9 475(5) and 475A”.

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

12 (i) in paragraph (1), in the matter
13 preceding subparagraph (A), by inserting
14 “meets the requirements of section 475A
15 and” after “written document which”; and

16 (ii) in paragraph (5)(C)—

17 (I) by inserting “, as of the date
18 of the hearing,” after “compelling rea-
19 son for determining”; and

20 (II) by inserting “subject to sec-
21 tion 475A(a),” after “another planned
22 permanent living arrangement,”.

23 (c) EFFECTIVE DATE.—

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

4 (2) DELAY PERMITTED IF STATE LEGISLATION
5 REQUIRED.—If the Secretary of Health and Human
6 Services determines that State legislation (other
7 than legislation appropriating funds) is required in
8 order for a State plan developed pursuant to part E
9 of title IV of the Social Security Act to meet the ad-
10 ditional requirements imposed by the amendments
11 made by this section, the plan shall not be regarded
12 as failing to meet any of the additional requirements
13 before the 1st day of the 1st calendar quarter begin-
14 ning after the 1st regular session of the State legis-
15 lature that begins after the date of the enactment of
16 this Act. If the State has a 2-year legislative session,
17 each year of the session is deemed to be a separate
18 regular session of the State legislature.

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

23 (a) IN GENERAL.—Section 475(1)(B) of the Social
24 Security Act (42 U.S.C. 675(1)(B)) is amended by adding
25 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

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

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

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

1 each amended by striking “independent living” and insert-
2 ing “a successful adulthood”.

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

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

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

21 (1) an analysis of how States are administering
22 the requirements of paragraphs (1)(B) and (5)(C) of
23 section 475 of the Social Security Act, as amended
24 by subsection (a) of this section, that a child in fos-
25 ter 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.

1 **SEC. 204. ENSURING FOSTER YOUTH HAVE A BIRTH CER-**
2 **TIFICATE, SOCIAL SECURITY CARD, HEALTH**
3 **INSURANCE INFORMATION, MEDICAL**
4 **RECORDS, AND A BANK ACCOUNT.**

5 (a) CASE REVIEW SYSTEM REQUIREMENT.—Section
6 475(5)(I) of the Social Security Act (42 U.S.C. 675(5)(I))
7 is amended—

8 (1) by striking “and receives assistance” and
9 inserting “receives assistance”; and

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

1 child, after consultation with the members of the
2 case planning team for the child selected by the child
3 (if any), elects to not have such an account estab-
4 lished” before the period.

5 (b) EFFECTIVE DATE.—

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

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

1 **TITLE III—IMPROVING DATA**
2 **COLLECTION AND REPORT-**
3 **ING ON CHILD SEX TRAF-**
4 **FICKING**

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

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

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

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

13 “(E) the annual aggregate number of chil-
14 dren in foster care who are identified as victims
15 of sex trafficking (as defined in section 103(10)
16 of the Trafficking Victims Protection Act of
17 2000 (22 U.S.C. 7102(10))) or a severe form of
18 trafficking in persons described in section
19 103(9)(A) of such Act—

20 “(i) before entering foster care; and

21 “(ii) while in foster care; and”.

22 (b) REPORT TO CONGRESS.—Beginning in fiscal year
23 2016, the Secretary of Health and Human Services shall
24 submit an annual report to Congress that contains the an-
25 nual aggregate number of children in foster care who are

1 identified as victims of sex trafficking (as defined in sec-
2 tion 103(10) of the Trafficking Victims Protection Act of
3 2000 (22 U.S.C. 7102(10))) or a severe form of traf-
4 ficking in persons described in section 103(9)(A) of such
5 Act, together with such other information as the Secretary
6 determines appropriate relating to the identification of,
7 and provision of services for, that population of children.

8 **SEC. 302. INFORMATION ON CHILDREN IN FOSTER CARE IN**
9 **ANNUAL REPORTS USING AFCARS DATA; CON-**
10 **SULTATION.**

11 Section 479A of the Social Security Act (42 U.S.C.
12 679b) is amended—

13 (1) by striking “The Secretary” and inserting
14 the following:

15 “(a) IN GENERAL.—The Secretary”;

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

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

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

21 “(7) include in the report submitted pursuant
22 to paragraph (5) for fiscal year 2016 or any suc-
23 ceeding fiscal year, State-by-State data on children
24 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

1 “(8) include in the report submitted pursuant
2 to paragraph (5) for fiscal year 2016 or any suc-
3 ceeding fiscal year, State-by-State data on children
4 in foster care who are pregnant or parenting.”; and
5 (5) by adding at the end the following:

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

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