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H. R. 4058

[Report No. 113-441]

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

MAY 7, 2014

Additional sponsors: Mrs. NOEM, Mr. KELLY of Pennsylvania, Mr. REED, Mr. SCHOCK, Mr. KLINE, Mr. BLUMENAUER, Mr. PITTENGER, Mrs. HARTZLER, Mr. WEBSTER of Florida, Mr. CÁRDENAS, Mr. YOHO, Mrs. BLACK, Ms. HERRERA BEUTLER, Mr. CRAMER, Mr. RANGEL, Mr. LATTA, Ms. KUSTER, Mr. TIBERI, Mr. RODNEY DAVIS of Illinois, Mr. STIVERS, Ms. ESTY, Mr. BARLETTA, and Mr. DIAZ-BALART

MAY 7, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 14, 2014]

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 traf-
ficking.*

**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 adult-
hood.*

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

*Sec. 301. Including sex trafficking data in the Adoption and Foster Care Anal-
ysis and Reporting System.*

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

9 **SEC. 3. FINDINGS.**

10 *The Congress makes the following findings:*

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

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

7 (3) *The current child welfare system does not ef-*
8 *fectively identify, prevent, or intervene when a child*
9 *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 traffickers.*

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

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

24 (7) *The latest research in adolescent brain devel-*
25 *opment indicates that young people learn through ex-*

1 *perience and through trial and error, and that as*
2 *part of healthy brain development young people need*
3 *to take on increasing levels of decisionmaking through*
4 *their teenage years.*

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

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

11 *(B) greater child engagement in case plan-*
12 *ning while in foster care;*

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

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

23 *(E) with regard to domestic sex trafficking,*
24 *improved identification, prevention, and inter-*
25 *vention by the child welfare agency in collabora-*

1 *tion with the courts, State and local law enforce-*
2 *ment agencies, schools, juvenile justice agencies,*
3 *and other social service providers.*

4 ***TITLE I—IDENTIFYING AND PRO-***
5 ***TECTING YOUTH AT RISK OF***
6 ***SEX TRAFFICKING***

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

9 *Section 471(a)(9) of the Social Security Act (42 U.S.C.*
10 *671(a)(9)) is amended—*

- 11 *(1) in subparagraph (A), by striking “and”;*
12 *(2) in subparagraph (B), by inserting “and”*
13 *after the semicolon; and*
14 *(3) by adding at the end the following:*

15 *“(C) not later than—*

16 *“(i) 1 year after the date of the enact-*
17 *ment of this subparagraph, demonstrate to*
18 *the Secretary that the State agency has de-*
19 *veloped, in consultation with organizations*
20 *with experience in dealing with at-risk*
21 *youth, policies and procedures for identi-*
22 *fying and screening (including relevant*
23 *training for caseworkers), and for deter-*
24 *mining appropriate State action and serv-*
25 *ices with respect to—*

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

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

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

22 “(II) at the option of the State,
23 any individual, without regard to
24 whether the individual is or was in
25 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 the
5 State agency is implementing, in consulta-
6 tion with the child protective services agen-
7 cy or unit for the State, the policies and
8 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) of*
12 *the Social Security Act (42 U.S.C. 671(a)) is amended—*

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

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

17 *(3) by adding at the end the following:*

18 “(34) provides that, for each child over whom the
19 State agency has responsibility for placement, care, or
20 supervision (including any child for whom a State
21 child welfare agency has an open case file but who
22 has not been removed from the home, and any youth
23 who is not in foster care but is receiving services
24 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 and
3 document appropriately in agency records each
4 child who is identified as being a victim of sex
5 trafficking (as defined in section 103(10) of the
6 Trafficking Victims Protection Act of 2000) or as
7 being a victim of severe forms of trafficking in
8 persons described in section 103(9)(A) of such
9 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 the
21 Federal Bureau of Investigation, established
22 pursuant to section 534 of title 28, United
23 States Code, and to the National Center for
24 Missing and Exploited Children; and

1 “(35) not later than 2 years after the date of the
2 enactment of this paragraph, contains a regularly up-
3 dated description, made available to the public on the
4 Internet website of the State agency, of the specific
5 measures taken by the State agency to protect and
6 provide services to children who are victims of sex
7 trafficking (as defined in section 103(10) of the Traf-
8 ficking Victims Protection Act of 2000), or victims of
9 severe forms of trafficking in persons described in sec-
10 tion 103(9)(A) of such Act, including efforts to coordi-
11 nate with State and local law enforcement, schools,
12 juvenile justice agencies, and social service agencies
13 such as runaway and homeless youth shelters and
14 transitional and other supportive housing providers
15 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 sec-
19 tion and shall provide uniform definitions for States to use
20 for the reports required under section 471(a)(34)(B) of the
21 Social Security Act, as added by such subsection (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 State*
14 *shall develop and implement specific protocols for—*

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

17 *“(B) determining the primary factors that*
18 *contributed to the child’s running away or other-*
19 *wise being absent from care, and to the extent*
20 *possible and appropriate, responding to those*
21 *factors in current and subsequent placements;*

22 *“(C) determining the child’s experiences*
23 *while absent from care, including screening the*
24 *child to determine if he or she is a possible vic-*
25 *tim of sex trafficking (as defined in paragraph*
26 *(9)(C)); and*

1 “(D) reporting such related information as
2 required by the Secretary.”.

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

5 *Not later than 2 years after the date of the enactment*
6 *of this Act, the Secretary of Health and Human Services*
7 *shall submit to the Congress a written report which summa-*
8 *rizes the following:*

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

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

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

22 (C) *information on children’s experiences*
23 *while absent from care; and*

24 (D) *trends in the number of children re-*
25 *ported as runaways in each fiscal year (includ-*

1 *ing factors that may have contributed to changes*
2 *in such trends).*

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

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

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

17 ***SEC. 201. SUPPORTING NORMALCY FOR CHILDREN IN FOS-***
18 ***TER CARE.***

19 *(a) REASONABLE AND PRUDENT PARENT STAND-*
20 *ARD.—*

21 *(1) DEFINITIONS RELATING TO THE STAND-*
22 *ARD.—Section 475 of the Social Security Act (42*
23 *U.S.C. 675) is amended by adding at the end the fol-*
24 *lowing:*

1 “(9)(A) *The term ‘reasonable and prudent parent*
2 *standard’ means the standard characterized by care-*
3 *ful and sensible parental decisions that maintain the*
4 *health, safety, and best interests of a child while at*
5 *the same time encouraging the emotional and develop-*
6 *mental growth of the child, that a caregiver shall use*
7 *when determining whether to allow a child in foster*
8 *care under the responsibility of the State to partici-*
9 *pate in extracurricular, enrichment, cultural, and so-*
10 *cial activities.*

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

16 “(10) *The term ‘age or developmentally-appro-*
17 *priate’ means—*

18 “(A) *activities or items that are generally*
19 *accepted as suitable for children of the same*
20 *chronological age or level of maturity or that are*
21 *determined to be developmentally-appropriate for*
22 *a child, based on the development of cognitive,*
23 *emotional, physical, and behavioral capacities*
24 *that are typical for an age or age group; and*

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

6 (2) STATE PLAN REQUIREMENT.—Section
7 471(a)(24) of such Act (42 U.S.C. 671(a)(24)) is
8 amended—

9 (A) by striking “include” and inserting
10 “includes”;

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

13 (C) by inserting “, and that the preparation
14 shall include knowledge and skills relating to the
15 reasonable and prudent parent standard for the
16 participation of the child in age or develop-
17 mentally-appropriate activities, including
18 knowledge and skills relating to the develop-
19 mental stages of the cognitive, emotional, phys-
20 ical, and behavioral capacities of a child, and
21 knowledge and skills relating to applying the
22 standard to decisions such as whether to allow
23 the child to engage in social, extracurricular, en-
24 richment, cultural, and social activities, includ-
25 ing sports, field trips, and overnight activities

1 *lasting 1 or more days, and to decisions involv-*
2 *ing the signing of permission slips and arrang-*
3 *ing of transportation for the child to and from*
4 *extracurricular, enrichment, and social activi-*
5 *ties” before the semicolon.*

6 (3) *TECHNICAL ASSISTANCE.—The Secretary of*
7 *Health and Human Services shall provide assistance*
8 *to the States on best practices for devising strategies*
9 *to assist foster parents in applying a reasonable and*
10 *prudent parent standard in a manner that protects*
11 *child safety, while also allowing children to experience*
12 *normal and beneficial activities, including methods*
13 *for appropriately considering the concerns of the bio-*
14 *logical parents of a child in decisions related to par-*
15 *ticipation of the child in activities (with the under-*
16 *standing that those concerns should not necessarily*
17 *determine the participation of the child in any activ-*
18 *ity).*

19 (b) *NORMALCY FOR CHILDREN IN CHILD CARE INSTI-*
20 *TUTIONS.—Section 471(a)(10) of such Act (42 U.S.C.*
21 *671(a)(10)) is amended to read as follows:*

22 “(10) provides—

23 “(A) *for the establishment or designation of*
24 *a State authority or authorities that shall be re-*
25 *sponsible for establishing and maintaining*

1 *standards for foster family homes and child care*
2 *institutions which are reasonably in accord with*
3 *recommended standards of national organiza-*
4 *tions concerned with standards for the institu-*
5 *tions or homes, including standards related to*
6 *admission policies, safety, sanitation, and pro-*
7 *tection of civil rights, and which shall permit use*
8 *of the reasonable and prudent parenting stand-*
9 *ard;*

10 *“(B) that the standards established pursu-*
11 *ant to subparagraph (A) shall be applied by the*
12 *State to any foster family home or child care in-*
13 *stitution receiving funds under this part or part*
14 *B and shall require, as a condition of any con-*
15 *tract entered into by the State agency and a*
16 *child care institution, the presence on-site of at*
17 *least 1 official who, with respect to any child*
18 *placed at the child care institution, is designated*
19 *to be the caregiver who is authorized to apply the*
20 *reasonable and prudent parent standard to deci-*
21 *sions involving the participation of the child in*
22 *age or developmentally-appropriate activities,*
23 *and who is provided with training in how to use*
24 *and apply the reasonable and prudent parent*
25 *standard in the same manner as prospective fos-*

1 *ter parents are provided the training pursuant*
2 *to paragraph (24);*

3 *“(C) that the standards established pursu-*
4 *ant to subparagraph (A) shall include policies*
5 *related to the liability of foster parents and pri-*
6 *ivate entities under contract by the State involv-*
7 *ing the application of the reasonable and pru-*
8 *dent parent standard, to ensure appropriate li-*
9 *ability for caregivers when a child participates*
10 *in an approved activity and the caregiver ap-*
11 *proving the activity acts in accordance with the*
12 *reasonable and prudent parent standard; and*

13 *“(D) that a waiver of any standards estab-*
14 *lished pursuant to subparagraph (A) may be*
15 *made only on a case-by-case basis for nonsafety*
16 *standards (as determined by the State) in rel-*
17 *ative foster family homes for specific children in*
18 *care;”.*

19 *(c) EFFECTIVE DATE.—*

20 *(1) IN GENERAL.—The amendments made by*
21 *this section shall take effect on the date that is 1 year*
22 *after the date of the enactment of this Act, without re-*
23 *gard to whether regulations to implement the amend-*
24 *ments have been promulgated by that date.*

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

16 **SEC. 202. IMPROVEMENTS TO ANOTHER PLANNED PERMA-**
17 **NENT LIVING ARRANGEMENT AS A PERMA-**
18 **NENCY OPTION.**

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

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

1 (2) *CONFORMING AMENDMENT.*—Section
 2 422(b)(8)(A)(iii)(II) of such Act (42 U.S.C.
 3 622(b)(8)(A)(iii)(II)) is amended by inserting “, sub-
 4 ject to the requirements of sections 475(5)(C) and
 5 475A(a)” after “arrangement”.

6 (b) *ADDITIONAL REQUIREMENTS.*—

7 (1) *IN GENERAL.*—Part E of title IV of such Act
 8 (42 U.S.C. 670 et seq.) is amended by inserting after
 9 section 475 the following:

10 **“SEC. 475A. ADDITIONAL CASE PLAN AND CASE REVIEW**
 11 **SYSTEM REQUIREMENTS.**

12 “(a) *REQUIREMENTS FOR ANOTHER PLANNED PERMA-*
 13 *NENT LIVING ARRANGEMENT.*—In the case of any child for
 14 whom another planned permanent living arrangement is
 15 the permanency plan for the child, the following require-
 16 ments shall apply for purposes of approving the case plan
 17 for the child and the case system review procedure for the
 18 child:

19 “(1) *DOCUMENTATION OF INTENSIVE, ONGOING,*
 20 *UNSUCCESSFUL EFFORTS FOR FAMILY PLACEMENT.*—
 21 At each permanency hearing held with respect to the
 22 child, the State agency documents the intensive, ongo-
 23 ing, and, as of the date of the hearing, unsuccessful
 24 efforts made by the State agency to return the child
 25 home or secure a placement for the child with a fit

1 *and willing relative (including adult siblings), a legal*
2 *guardian, or an adoptive parent, including through*
3 *efforts that utilize search technology (including social*
4 *media) to find biological family members for children*
5 *in the child welfare system.*

6 *“(2) REDETERMINATION OF APPROPRIATENESS*
7 *OF PLACEMENT AT EACH PERMANENCY HEARING.—*
8 *The State agency shall implement procedures to en-*
9 *sure that, at each permanency hearing held with re-*
10 *spect to the child, the court or administrative body*
11 *appointed or approved by the court conducting the*
12 *hearing on the permanency plan for the child does the*
13 *following:*

14 *“(A) Ask the child about the desired perma-*
15 *nency outcome for the child.*

16 *“(B) Make a judicial determination ex-*
17 *plaining why, as of the date of the hearing, an-*
18 *other planned permanent living arrangement is*
19 *the best permanency plan for the child and pro-*
20 *vide compelling reasons why it continues to not*
21 *be in the best interests of the child to—*

22 *“(i) return home;*

23 *“(ii) be placed for adoption;*

24 *“(iii) be placed with a legal guardian;*

25 *or*

1 “(iv) be placed with a fit and willing
2 relative.

3 “(3) *DEMONSTRATION OF SUPPORT FOR ENGAG-*
4 *ING IN AGE OR DEVELOPMENTALLY-APPROPRIATE AC-*
5 *TIVITIES AND SOCIAL EVENTS.—At each permanency*
6 *hearing held with respect to the child, the State agen-*
7 *cy shall document the steps the State agency is taking*
8 *to ensure the child’s foster family home or child care*
9 *institution is following the reasonable and prudent*
10 *parent standard.”.*

11 (2) *CONFORMING AMENDMENTS.—*

12 (A) *STATE PLAN REQUIREMENTS.—*

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

18 (ii) *PART E.—Section 471(a)(16) of*
19 *such Act (42 U.S.C. 671(a)(16)) is amend-*
20 *ed—*

21 (I) *by inserting “and in accord-*
22 *ance with the requirements of section*
23 *475A” after “section 475(1)”;* and

1 (II) by striking “section
2 475(5)(B)” and inserting “sections
3 475(5) and 475A”.

4 (B) *DEFINITIONS.*—Section 475 of such Act
5 (42 U.S.C. 675) is amended—

6 (i) in paragraph (1), in the matter
7 preceding subparagraph (A), by inserting
8 “meets the requirements of section 475A
9 and” after “written document which”; and
10 (ii) in paragraph (5)(C)—

11 (I) by inserting “, as of the date
12 of the hearing,” after “compelling rea-
13 son for determining”; and

14 (II) by inserting “subject to sec-
15 tion 475A(a),” after “another planned
16 permanent living arrangement,”.

17 (c) *EFFECTIVE DATE.*—

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

21 (2) *DELAY PERMITTED IF STATE LEGISLATION*
22 *REQUIRED.*—If the Secretary of Health and Human
23 Services determines that State legislation (other than
24 legislation appropriating funds) is required in order
25 for a State plan developed pursuant to part E of title

1 *IV of the Social Security Act to meet the additional*
2 *requirements imposed by the amendments made by*
3 *this section, the plan shall not be regarded as failing*
4 *to meet any of the additional requirements before the*
5 *1st day of the 1st calendar quarter beginning after the*
6 *1st regular session of the State legislature that begins*
7 *after the date of the enactment of this Act. If the State*
8 *has a 2-year legislative session, each year of the ses-*
9 *sion is deemed to be a separate regular session of the*
10 *State legislature.*

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

15 *(a) IN GENERAL.—Section 475(1)(B) of the Social Se-*
16 *curity Act (42 U.S.C. 675(1)(B)) is amended by adding at*
17 *the end the following: “With respect to a child who has at-*
18 *tained 14 years of age, the plan developed for the child in*
19 *accordance with this paragraph, and any revision or addi-*
20 *tion to the plan, shall be developed in consultation with*
21 *the child and, at the option of the child, with up to 2 mem-*
22 *bers of the case planning team who are chosen by the child*
23 *and who are not a foster parent of, or caseworker for, the*
24 *child. A State may reject an individual selected by a child*
25 *to be a member of the case planning team at any time if*

1 *the State has good cause to believe that the individual would*
2 *not act in the best interests of the child. One individual*
3 *selected by a child to be a member of the child’s case plan-*
4 *ning team may be designated to be the child’s advisor and,*
5 *as necessary, advocate, with respect to the application of*
6 *the reasonable and prudent parent standard to the child.”.*

7 (b) *CONFORMING AMENDMENTS TO INCLUDE CHIL-*
8 *DREN 14 AND OLDER IN TRANSITION PLANNING.—Section*
9 *475 of such Act (42 U.S.C. 675) is amended—*

10 (1) *in paragraph (1)(D), by striking “Where ap-*
11 *propriate, for a child age 16” and inserting “For a*
12 *child who has attained 14 years of age”;* and

13 (2) *in paragraph (5)—*

14 (A) *in subparagraph (C)—*

15 (i) *by striking “and” at the end of*
16 *clause (ii); and*

17 (ii) *by adding at the end the following:*
18 *“and (iv) if a child has attained 14 years*
19 *of age, the permanency plan developed for*
20 *the child, and any revision or addition to*
21 *the plan, shall be developed in consultation*
22 *with the child and, at the option of the*
23 *child, with not more than 2 members of the*
24 *permanency planning team who are selected*
25 *by the child and who are not a foster parent*

1 of, or caseworker for, the child, except that
2 the State may reject an individual so se-
3 lected by the child if the State has good
4 cause to believe that the individual would
5 not act in the best interests of the child, and
6 1 individual so selected by the child may be
7 designated to be the child’s advisor and, as
8 necessary, advocate, with respect to the ap-
9 plication of the reasonable and prudent
10 standard to the child;” and

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

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

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

21 “(b) *LIST OF RIGHTS.*—The case plan for any child
22 in foster care under the responsibility of the State who has
23 attained 14 years of age shall include a document that de-
24 scribes the rights of the child with respect to education,
25 health, visitation, and court participation, and to staying

1 *safe and avoiding exploitation, and a signed acknowledg-*
2 *ment by the child that the child has been provided with*
3 *a copy of the document and that the rights contained in*
4 *the document have been explained to the child in an age-*
5 *appropriate way.”.*

6 (e) *REPORT.—Not later than 2 years after the date of*
7 *the enactment of this Act, the Secretary of Health and*
8 *Human Services shall submit a report to Congress regard-*
9 *ing the implementation of the amendments made by this*
10 *section. The report shall include—*

11 (1) *an analysis of how States are administering*
12 *the requirements of paragraphs (1)(B) and (5)(C) of*
13 *section 475 of the Social Security Act, as amended by*
14 *subsections (a) and (b) of this section, that a child in*
15 *foster care who has attained 14 years of age be per-*
16 *mitted to select up to 2 members of the case planning*
17 *team or permanency planning team for the child from*
18 *individuals who are not a foster parent of, or case-*
19 *worker for, the child; and*

20 (2) *a description of best practices of States with*
21 *respect to the administration of the requirements.*

22 (f) *EFFECTIVE DATE.—*

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

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

16 **TITLE III—IMPROVING DATA**
17 **COLLECTION AND REPORT-**
18 **ING ON CHILD SEX TRAF-**
19 **FICKING**

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

23 (a) *IN GENERAL.—Section 479(c)(3) of the Social Se-*
24 *curity Act (42 U.S.C. 679(c)(3)) is amended—*

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

3 (2) *by adding at the end the following:*

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

11 “(i) *who were such victims before en-*
12 *tering foster care; and*

13 “(ii) *who were such victims while in*
14 *foster care; and”.*

15 (b) *REPORT TO CONGRESS.—Beginning in fiscal year*
16 *2016, the Secretary of Health and Human Services shall*
17 *submit an annual report to Congress that contains the an-*
18 *ual aggregate number of children in foster care who are*
19 *identified as victims of sex trafficking (as defined in section*
20 *103(10) of the Trafficking Victims Protection Act of 2000*
21 *(22 U.S.C. 7102(10))) or a severe form of trafficking in per-*
22 *sons described in section 103(9)(A) of such Act, together*
23 *with such other information as the Secretary determines ap-*
24 *propriate relating to the identification of, and provision of*
25 *services for, that population of children.*

1 **SEC. 302. INFORMATION ON CHILDREN IN FOSTER CARE IN**
2 **ANNUAL REPORTS USING AFCARS DATA; CON-**
3 **SULTATION.**

4 *Section 479A of the Social Security Act (42 U.S.C.*
5 *679b) is amended—*

6 *(1) by striking “The Secretary” and inserting*
7 *the following:*

8 *“(a) IN GENERAL.—The Secretary”;*

9 *(2) in paragraph (5), by striking “and” after the*
10 *semicolon;*

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

13 *(4) by adding at the end the following:*

14 *“(7) include in the report submitted pursuant to*
15 *paragraph (5) for fiscal year 2016 or any succeeding*
16 *fiscal year, State-by-State data on children in foster*
17 *care who have been placed in a child care institution*
18 *or other setting that is not a foster family home, in-*
19 *cluding—*

20 *“(A) the number of children in the place-*
21 *ments and their ages, including separately, the*
22 *number and ages of children who have a perma-*
23 *nency plan of another planned permanent living*
24 *arrangement;*

25 *“(B) the duration of the placement in the*
26 *settings (including for children who have a per-*

1 *manency plan of another planned permanent*
2 *living arrangement);*

3 “(C) *the types of child care institutions*
4 *used (including group homes, residential treat-*
5 *ment, shelters, or other congregate care settings);*

6 “(D) *with respect to each child care institu-*
7 *tion or other setting that is not a foster family*
8 *home, the number of children in foster care resid-*
9 *ing in each such institution or non-foster family*
10 *home;*

11 “(E) *any clinically diagnosed special need*
12 *of such children; and*

13 “(F) *the extent of any specialized education,*
14 *treatment, counseling, or other services provided*
15 *in the settings; and*

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

20 (5) *by adding at the end the following:*

21 “(b) *CONSULTATION ON OTHER ISSUES.—The Sec-*
22 *retary shall consult with States and organizations with an*
23 *interest in child welfare, including organizations that pro-*
24 *vide adoption and foster care services, and shall take into*
25 *account requests from Members of Congress, in selecting*

1 *other issues to be analyzed and reported on under this sec-*
2 *tion using data available to the Secretary, including data*
3 *reported by States through the Adoption and Foster Care*
4 *Analysis and Reporting System and to the National Youth*
5 *in Transition Database.”.*

Union Calendar No. 328

113TH CONGRESS
2^D Session

H. R. 4058

[Report No. 113-441]

A BILL

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

MAY 7, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed