

INFORMATION MEMORANDUM

Issuance Date: October 23, 2014

TO: State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and/or Title IV-B of the Social Security Act

SUBJECT: NEW LEGISLATION - Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act

LEGAL AND RELATED REFERENCES: Titles IV-B, IV-E, and section 1114A of the Social Security Act (the Act) as amended by Public Law 113-183, enacted September 29, 2014

PURPOSE: To inform states and Tribes of the enactment of the Preventing Sex Trafficking and Strengthening Families Act and provide basic information on the new law, including title IV-E plan changes, new case plan requirements and definitions, additions to the Adoption and Foster Care Analysis and Reporting System (AFCARS), modifications to the Family Connection grants, Chafee program, and reauthorization of the Adoption and Guardianship Incentive Program.

INFORMATION: The President signed the Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L. 113-183) into law on September 29, 2014. The law amends the title IV-E foster care program to address trafficking, limits another planned permanency living arrangement (APPLA) as a plan for youth, and reauthorizes and amends Family Connections Grants and the Adoption Incentives Program. Some of the major changes are described below (please refer to the attached law for the complete amendments).

Title IV-E requirements for identifying, reporting and determining services to victims of sex trafficking

Modifies existing or adds new title IV-E plan requirements that apply to state and tribal title IV-E agencies as follows:

Modifies section 471(a)(9) to require that:

within 1 year of enactment (by September 29, 2015), title IV-E agencies must demonstrate that they have: 1) consulted with other specified agencies having experience with at risk youth and; 2) developed policies and procedures (including caseworker training) to identify, document, and determine appropriate services for:

Any child or youth in the placement, care or supervision of the title IV-E agency who is at-risk of becoming a sex trafficking victim or who is a sex trafficking victim (including those not removed from home; those who have run away from foster care and under age 18 or such higher age elected under 475(8); and youth not in foster care who are receiving services under the Chafee Foster Care Independence program (CFCIP) (477)), and at the option of the agency, youth under age 26 who were or were never in foster care. (471(a)(9)(C)(i)₁)

within 2 years of enactment (by September 29, 2016), title IV-E agencies must demonstrate that they are implementing these policies and procedures. (471(a)(9)(C)(ii))

Adds a new title IV-E plan requirement at 471(a)(34) that title IV-E agencies must:

Report immediately (no later than 24 hours) to law enforcement children or youth described under 471(a)(9)(C)(i)(I) who the agency identifies as being a sex trafficking victim. (Must begin within 2 years of enactment (by September 29, 2016)).

Report annually to HHS the total number of children and youth described under 471(a)(9)(C)(i)(I) who are sex trafficking victims. (Must begin within 3 years of enactment (by September 29, 2017)).

Adds a new title IV-E plan requirement at 471(a)(35) that requires:

1) within 1 year of enactment (by September 29, 2015), title IV-E agencies to develop and implement protocols to:

- locate children missing from foster care,
- determine the factors that lead to the child's being absent from foster care and to the extent possible address those factors in subsequent placements,
- determine the child's experiences while absent from care, including whether the child is a sex trafficking victim, and
- report related information as required by HHS. (471(a)(35)(A))

2) within 2 years of enactment (by September 29, 2016), title IV-E agencies to develop and implement protocols to report children or youth described under 471(a)(9)(C)(i)(I) immediately (no later than 24 hours after receiving information) on missing or abducted children to law enforcement for entry into the National Crime Information Center (NCIC) database. (471(a)(35)(B))

□ HHS must report to Congress the number of children and youth reported by title IV-E agencies as sex trafficking victims, within 4 years of enactment (by September 29, 2018) and annually thereafter. (471(d))

□ Defines “sex trafficking victim” in section 475(9) of the Act as a victim of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000)² or a severe form of trafficking in persons (described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000).³