

113TH CONGRESS
1ST SESSION

H. R. 1732

To amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2013

Ms. BASS (for herself, Mr. MARINO, Mr. CHABOT, Mr. FARENTHOLD, Mr. GRIJALVA, Ms. JACKSON LEE, Mr. McDERMOTT, Mr. JOHNSON of Ohio, Ms. MOORE, Mrs. NAPOLITANO, Mr. POLIS, Mr. RANGEL, and Mr. VARGAS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

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 “Strengthening the
3 Child Welfare Response to Human Trafficking Act of
4 2013”.

5 **SEC. 2. BEST PRACTICES GUIDELINES TO COMBAT TRAF-**
6 **FICKING OF CHILDREN.**

7 Within 1 year after the date of the enactment of this
8 Act, the Secretary of Health and Human Services shall
9 develop and publish guidelines to assist State, Indian
10 tribe, and tribal organization child welfare agencies and
11 juvenile and family courts in efforts to appropriately serve
12 youth who are victims of trafficking (as defined in section
13 103(15) of the Trafficking Victims Protection Act of
14 2000) and youth who are at-risk of becoming such a vic-
15 tim. In developing the guidelines, the Secretary shall con-
16 sult appropriate agencies throughout the Federal Govern-
17 ment, including the Department of Justice, the Federal
18 Bureau of Investigation, the Department of Homeland Se-
19 curity, and the Trafficking in Persons Office of the De-
20 partment of State. In developing the guidelines, the Sec-
21 retary should also utilize multi-disciplinary research, evi-
22 dence-based and promising models and programs, and is
23 encouraged to include input from child welfare agencies
24 that have developed trafficking-specific programs, juvenile
25 and family courts, law enforcement agencies with anti-
26 human trafficking protocols in place, runaway and home-

1 less youth organizations, anti-human trafficking nonprofit
2 organizations, and human trafficking survivors. The
3 guidelines shall include sections on the following:

4 (1) PERSONNEL RESOURCES.—Sample training
5 materials, protocols, and screening tools that pre-
6 pare child welfare personnel to identify and serve
7 youth who are victims of trafficking (as so defined)
8 or are at-risk of becoming such a victim.

9 (2) SERVICE DELIVERY.—Specific strategies to
10 identify victims, manage cases, and improve services
11 to meet the unique needs of foster youth who are
12 also victims of trafficking (as so defined). The strat-
13 egies should be comprehensive, multi-disciplinary,
14 client-centered, strength-based, trauma-informed,
15 and inclusive of all genders.

16 (3) COLLABORATION.—Sample protocols for ef-
17 fective, cross-system collaboration between local
18 agencies and non-profit organizations, including
19 child welfare, medical and health professionals, Fed-
20 eral, State, and local police, juvenile detention cen-
21 ters and courts, and runaway and homeless youth
22 programs, schools, and organizations already serving
23 victims of trafficking (as so defined).

24 (4) RESIDENTIAL PLACEMENT.—A list of rec-
25 ommendations to establish safe residential place-

1 ments for foster youth who have been trafficked (as
2 so defined) as well as training guidelines for care-
3 givers that serve youth being cared for outside the
4 home.

5 (5) DOCUMENTATION AND DATA.—Sample pro-
6 tocols and recommended strategies in order to iden-
7 tify victims as well as collect, document, and share
8 data across systems. Recommendations should be de-
9 signed to help agencies better understand the type
10 of trafficking involved, the scope of the problem, the
11 specific needs of the population to be served, and the
12 degree of victim interaction with multiple systems.
13 Recommendations may address incorporating human
14 trafficking designations in existing statewide auto-
15 mated child welfare information systems.

16 (6) PREVENTION.—Recommended actions for
17 child welfare agencies and personnel that will help to
18 prevent foster youth from becoming victims of
19 human trafficking.

20 **SEC. 3. STREAMLINE DATA COLLECTION AND REPORTING.**

21 (a) STATE PLAN REQUIREMENTS UNDER THE FOS-
22 TER CARE AND ADOPTION ASSISTANCE PROGRAM.—Sec-
23 tion 471(a) of the Social Security Act (42 U.S.C. 671(a))
24 is amended—

1 (1) by striking “and” at the end of paragraph
2 (32);

3 (2) by striking the period at the end of para-
4 graph (33) and inserting “; and”; and

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

6 “(34) provides that—

7 “(A) reasonable efforts shall be made to—

8 “(i) identify and document appro-
9 priately in agency records each child over
10 whom the agency has responsibility for
11 placement, care, or supervision and who is
12 identified as being a victim of trafficking
13 (as defined in section 103(15) of the Traf-
14 ficking Victims Protection Act of 2000), as
15 such a victim; and

16 “(ii) specify in the records of the
17 agency, the type of trafficking described in
18 subparagraphs (A) and (B) of section
19 103(9) of such Act to which the child has
20 been subjected; and

21 “(B) the agency shall report within 72
22 hours to appropriate law enforcement agencies
23 for entry into the National Crime Information
24 Center database the identity of each child to

1 whom the agency is providing child welfare
2 services who—

3 “(i) is missing or has been abducted;

4 or

5 “(ii) is identified as such a victim.”.

6 (b) CAPTA AMENDMENTS.—Section 106 of the
7 Child Abuse Prevention and Treatment Act (42 U.S.C.
8 5106a) is amended—

9 (1) in subsection (b)(2)(B)—

10 (A) in clause (xxii), by striking “and” at
11 the end;

12 (B) in clause (xxiii), by striking the semi-
13 colon at the end and inserting “; and”; and

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

15 “(xxiv) provisions and procedures for
16 the assessment and identification of vic-
17 tims of trafficking (as described in para-
18 graph (9) of section 103 of the Trafficking
19 Victims Protection Act of 2000 (22 U.S.C.
20 7102)), as well as comprehensive training
21 and services to serve such victims;”; and

22 (2) in subsection (d), by adding at the end the
23 following:

24 “(17) The number of children determined to be
25 a victim of each type of trafficking described in sub-

1 paragraphs (A) and (B) of section 103(9) of the
2 Trafficking Victims Protection Act of 2000 (22
3 U.S.C. 7102(9)).”.

4 **SEC. 4. REPORT TO THE CONGRESS.**

5 Within 18 months after the date of the enactment
6 of this Act, the Secretary of Health and Human Services
7 shall submit to the Congress a report that—

8 (1) outlines the prevalence of the acts and prac-
9 tices that constitute severe forms of trafficking in
10 persons (as defined in section 103(9) of the Traf-
11 ficking Victims Protection Act of 2000) and de-
12 scribes the specific type of trafficking described in
13 such section to which children who are under the
14 placement, care, or supervision of State, Indian
15 tribe, or tribal organization child welfare agencies
16 nationwide have been subjected;

17 (2) includes the general trends and context of
18 trafficking sustained by the children, including spe-
19 cific information on victims of sex trafficking (as de-
20 scribed in section 103(9)(A) of such Act) and vic-
21 tims of labor trafficking (as described in section
22 103(9)(B) of such Act);

23 (3) lists data specific to each State, Indian
24 tribe, or tribal organization child welfare agency;

1 (4) summarizes the practices and protocols uti-
2 lized by State agencies to identify and serve child
3 victims of trafficking (as defined in section 103(15)
4 of such Act) as well as the extent to which these
5 procedures exist within State agencies around the
6 Nation;

7 (5) proposes an ongoing method of supporting
8 and monitoring the efforts of State, Indian tribe,
9 and tribal organization child welfare agencies to
10 serve children over whom the agency has responsi-
11 bility for placement, care, or supervision and who
12 are identified as being a victim of trafficking (as de-
13 fined in section 103(15) of such Act);

14 (6) evaluates the feasibility and appropriateness
15 of collecting annual or semiannual data from child
16 welfare agencies regarding the number of and serv-
17 ices provided to child trafficking victims served by
18 child welfare agencies;

19 (7) evaluates the effects of the method proposed
20 under paragraph (2) of this subsection on the agen-
21 cies with responsibility for implementing the method;
22 and

23 (8) specifies any changes in law or regulation
24 that will be necessary to implement the method pro-
25 posed under such paragraph (2).

1 **SEC. 5. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as otherwise provided in
3 this section, the amendments made by this Act shall take
4 effect on the date that is 1 year after the date of the enact-
5 ment of this Act.

6 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
7 QUIRED.—In the case of a State plan approved under part
8 E of title IV of the Social Security Act which the Secretary
9 of Health and Human Services determines requires State
10 legislation (other than legislation appropriating funds) in
11 order for the plan to meet the additional requirements im-
12 posed by this Act, the State plan shall not be regarded
13 as failing to comply with the requirements of such part
14 solely on the basis of the failure of the plan to meet such
15 additional requirements before the 1st day of the 1st cal-
16 endar quarter beginning after the close of the 1st regular
17 session of the State legislature that ends after the 1-year
18 period beginning with the date of the enactment of this
19 Act. For purposes of the preceding sentence, in the case
20 of a State that has a 2-year legislative session, each year
21 of the session is deemed to be a separate regular session
22 of the State legislature.

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