

113TH CONGRESS
1ST SESSION

S. 1823

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 SENATE OF THE UNITED STATES

DECEMBER 13 (legislative day, DECEMBER 11), 2013

Mr. RUBIO (for himself and Mrs. HAGAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening the
5 Child Welfare Response to Human Trafficking Act of
6 2013”.

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

3 Within 1 year after the date of the enactment of this
4 Act, the Secretary of Health and Human Services shall
5 develop and publish guidelines to assist State, Indian
6 tribe, and tribal organization child welfare agencies and
7 juvenile and family courts in efforts to appropriately serve
8 youth who are victims of trafficking (as defined in section
9 103(15) of the Trafficking Victims Protection Act of 2000
10 (22 U.S.C. 7102(15))) and youth who are at-risk of be-
11 coming such a victim. In developing the guidelines, the
12 Secretary shall consult appropriate agencies throughout
13 the Federal Government, including the Department of
14 Justice, the Federal Bureau of Investigation, the Depart-
15 ment of Homeland Security, the Department of Edu-
16 cation, the Department of Labor, and the Trafficking in
17 Persons Office of the Department of State. In developing
18 the guidelines, the Secretary should also utilize multi-dis-
19 ciplinary research, evidence-based and promising models
20 and programs, and is encouraged to include input from
21 child welfare agencies that have developed trafficking-spe-
22 cific programs, juvenile and family courts, law enforce-
23 ment agencies with anti-human trafficking protocols in
24 place, runaway and homeless youth organizations, anti-
25 human trafficking nonprofit organizations, and human

1 trafficking survivors. The guidelines shall include sections
2 on the following:

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

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

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

23 (4) RESIDENTIAL PLACEMENT.—A list of rec-
24 ommendations to establish safe residential place-
25 ments for foster youth who have been trafficked (as

1 so defined) as well as training guidelines for care-
 2 givers that serve youth being cared for outside the
 3 home.

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

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

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

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

24 (1) by striking “and” at the end of paragraph
 25 (32);

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

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

4 “(34) provides that—

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

6 “(i) identify and document appro-
7 priately in agency records each child over
8 whom the agency has responsibility for
9 placement, care, or supervision and who is
10 identified as being a victim of trafficking
11 (as defined in section 103(15) of the Traf-
12 ficking Victims Protection Act of 2000 (22
13 U.S.C. 7102(15))), as such a victim; and

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

19 “(B) the agency shall report within 72
20 hours to appropriate law enforcement agencies
21 for entry into the National Crime Information
22 Center database the identity of each child to
23 whom the agency is providing child welfare
24 services who—

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

2 or

3 “(ii) is identified as a victim of traf-

4 ficking (as so defined).”.

5 (b) CAPTA AMENDMENTS.—Section 106 of the

6 Child Abuse Prevention and Treatment Act (42 U.S.C.

7 5106a) is amended—

8 (1) in subsection (b)(2)(B)—

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

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

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

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

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

23 “(17) The number of children determined to be
24 a victim of each type of trafficking described in sub-
25 paragraphs (A) and (B) of section 103(9) of the

1 Trafficking Victims Protection Act of 2000 (22
2 U.S.C. 7102(9)).”.

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

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

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

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

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

24 (4) summarizes the practices and protocols uti-
25 lized by State agencies to identify and serve child

1 victims of trafficking (as defined in section 103(15)
2 of such Act) as well as the extent to which these
3 procedures exist within State agencies around the
4 Nation;

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

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

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

21 (8) specifies any changes in law or regulation
22 that will be necessary to implement the method pro-
23 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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