112TH CONGRESS   H. R. 2730

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

AUGUST 1, 2011

Ms. BASS of California (for herself, Mr. MARINO, Mr. PAYNE, and Ms. JACKSON LEE of Texas) introduced the following bill; which was referred to the Committee on Ways and Means

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening the Child Welfare Response to Human Trafficking Act of 2011”.
SEC. 2. IMPROVING LOCAL EFFORTS TO COMBAT TRAFFICKING AND SEXUAL EXPLOITATION.

(a) Employee Training Guidelines and Resources.—The Secretary of Health and Human Services shall develop and publish guidelines (including a list of recommended experts in the field) for use by State child welfare agencies in training appropriate child welfare employees and court employees in identifying, documenting, educating, and counseling children being provided services by the agencies who are at risk of becoming a victim of trafficking (as defined in section 103(14) of the Trafficking Victims Protection Act of 2000) or who are human trafficking victims who may need to be in the care of the child welfare system. The guidelines should also include tips on how the child welfare employee can effectively engage, educate, and support the parents of such a child victims, if appropriate.

(b) Best Practices Toolkit.—The Secretary of Health and Human Services shall develop and publish guidelines that contain recommendations on how State child welfare agencies may prevent children from becoming a victim of trafficking (as defined in section 103(14) of the Trafficking Victims Protection Act of 2000), which should include advice on how State and local law enforcement agencies may collaborate proactively with non-profit organizations on how to manage cases involving a child
who is such a victim. In developing the best practices tool-
kit, the Secretary of Health and Human Services is en-
couraged to utilize multi-disciplinary research, peer-re-
viewed research, evidence-based treatments and programs,
and input from child welfare agencies that have developed
human trafficking specific programs, and to consult ap-
propriate agencies throughout the Federal Government
such as the Federal Bureau of Investigation and the Traf-
ficking in Persons Office of the Department of State. The
Secretary of Health and Human Services should also con-
sider how the Department of Health and Human Services
can best provide support to monitor and evaluate existing
and related programs at State and county agencies and
outline these support mechanisms in the best practices
toolkit.

(e) Residential Safe Havens.—The Secretary of
Health and Human Services shall draft recommendations
for State child welfare agencies on how to best update li-
censing requirements for child-care institutions so that
specialized, long-term residential facilities or safe havens
serving children who are human trafficking victims can
qualify as child-care institutions under part E of title IV
of the Social Security Act, so that such children who are
in the care of the State may receive the best care and
services possible.
(d) **STREAMLINE DATA COLLECTION AND REPORTING.**—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

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

(2) by striking the period at the end of paragraph (33) and inserting “; and”; and

(3) by adding at the end the following:

“(34) provides that—

“(A) the records of the agency classify each child to whom the agency is providing child welfare services and whom the agency has identified as being a victim of trafficking (as defined in section 103(14) of the Trafficking Victims Protection Act of 2000), as a child trafficking victim, and specify the reasons why the child is so classified;

“(B) each report submitted by the agency to the data collection system established under section 479 includes information on each child so classified; and

“(C) the agency shall report the identity of each child to whom the agency is providing child welfare services and who is missing or has been abducted, immediately to appropriate law enforcement officials;
enforcement agencies for entry into the National Crime Information Center database.”.

(c) Documentation of Child Safety and Related Specialized Services.—Section 475(1) of such Act (42 U.S.C. 675(1)) is amended by adding at the end the following:

“(H) In the case of a child classified by the State agency as a victim of trafficking (as defined in section 103(14) of the Trafficking Victims Protection Act of 2000), a documentation of the measures taken to ensure the safety of the child in the placement and of the extent to which the child is receiving services designed specifically to meet the needs of trafficked children, such as intensive case management, mental health counseling, security services, language, and cultural competency.”.

(f) Extend Services for Trafficked Youth to Age 21.—Section 477(a) of such Act (42 U.S.C. 677(a)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:
“(8) to ensure that each child in foster care and each former foster care recipient who is a victim of trafficking (as defined in section 103(14) of the Trafficking Victims Protection Act of 2000) is able to access the services described in section 475(1)(H) of this Act until the child attains 21 years of age.”.

(g) **Effective Date.**—

(1) **In general.**—Except as otherwise provided in this section, this section and the amendments made by this section shall take effect on January 1, 2012.

(2) **Delay permitted if state legislation required.**—In the case of a State plan approved under part E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by this section, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with the date
of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 3. PROVISION OF SERVICES BY CHILD WELFARE AGENCIES TO PREVENT HUMAN TRAFFICKING OF CHILDREN, AND TO SERVE THE NEEDS OF CHILDREN WHO ARE VICTIMS OF HUMAN TRAFFICKING.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 2(d) of this Act, is amended—

(1) by striking “and” at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting “; and”; and

(3) by adding at the end the following:

“(35) not later than January 1, 2013, describes the practices and future plans of the State child welfare agency regarding the human trafficking and commercial sexual exploitation of foreign, United States citizen, and legal resident children, including—
“(A) collaborations with local and State agencies and nonprofit organizations to identify and care for children believed or confirmed to be, or at-risk of becoming victims of a severe form of human trafficking;

“(B) training for the child welfare employees who are likely to come into contact with child victims of human trafficking;

“(C) jurisdictional limits and other issues that hinder State child welfare response to aid child victims of human trafficking;

“(D) data collection regarding children identified by child welfare services as victims of trafficking and, if known, the relationship between the child and the exploiter; and

“(E) prevention education to families and at-risk children, including runaway and homeless youth, regarding human trafficking and commercial sexual exploitation.”.