

**PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT
(P.L. 113-183)
IMPLEMENTATION TIMELINE**

The following timeline summarizes the upcoming dates by which state and federal agencies will be required to implement provisions of the Preventing Sex Trafficking and Strengthening Families Act, enacted on September 29, 2014.

Effective as if enacted on October 1, 2013

Improving Adoption Incentive Payments

- Sec. 201: Extension of program through fiscal year 2016. The Adoption Incentive program – renamed the Adoption and Legal Guardianship Incentive Payments – is extended for three years (through FY 2016).
- Sec. 205: Increase in period for which incentive payments are available for expenditure. States are allowed to spend money awarded through the adoption and guardianship incentive program for up to three years (previous law limited the use of incentive payments to two years).

Extending the Family Connection Grant Program

- Sec. 221: Extension of the Family Connection Grant Program. Extends the Family Connection Grant Program for one year (through FY2014) at the current authorization of \$15 million per year. Allows institutions of higher education to receive grants, in addition to other groups already allowed to receive grants. Requires that kinship navigator grantees specifically include foster children who are parents in their partnership efforts with agencies. The Act also removes the requirement for HHS to reserve \$5 million for kinship navigator programs.

Effective upon enactment (by September 29, 2014)

Identifying and Protecting Children and Youth at Risk of Sex Trafficking

- Sec. 103: Including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System. States must submit data on the annual number of children in foster care who are identified as sex trafficking victims either before or while they were in foster care to be included in the Adoption and Foster Care Analysis Reporting System (AFCARS).

Improving Adoption Incentive Payments

- Sections 202 – 204: The Adoption and Legal Guardianship Incentive Payment Program. The Adoption Incentive Program, renamed “Adoption and Legal Guardianship Incentive Payments,” is reauthorized and makes structural changes to how incentive payments are calculated. Section 202 improves the award structure by determining incentives based on improvements in rates rather than absolute numbers, and allows for a transition period in FY2014 before the new incentive structure is fully implemented. Expands the incentives to include both exits from foster care to adoption and/or guardianship. States will also

have the ability to earn additional incentives for timely adoptions (where the adoption is finalized in less than 24 months) if extra funds are available. Sec. 204 clarifies that states must use the adoption and guardianship incentive payments to supplement – not supplant – other funds (federal or non-federal) already being used for services under Titles IV-E or IV-B of the Social Security Act.

- Sec. 206: State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend at least 30 percent of savings on certain services. Based on the *Fostering Connections to Success and Increasing Adoptions Act of 2008* (P.L. 110-351), which began delinking federal adoption assistance payments from the AFDC income eligibility requirements, states are required to calculate and report savings resulting from this change, and how these savings are being reinvested in child welfare programs. States are required to spend at least 30 percent of these savings on post-adoption services, post-guardianship services, and services to prevent foster care (with at least two-thirds of this 30 percent being spent on post-adoption or post-guardianship services). For fiscal year 2014, states receive an amount equal to half the sum of the total award based on the old incentive structure (improvements based on absolute numbers, adoptions only) and the total award under the new structure and categories.
- Sec. 207: Preservation of eligibility for kinship guardianship assistance payments with a successor guardian. Children who are receiving Title IV-E Guardianship Assistance Program can continue receiving such payments in the event that their legal guardian dies or is no longer able to care and they are placed with a successor guardian.
- Sec. 208: Data collection on adoption and legal guardianship disruption and dissolution. HHS is required to provide regulations to states on collecting data on children who enter into foster care from a dissolved or disrupted adoption or guardianship placement. The regulations require each state to collect and report the number of children who enter foster care under supervision of the state after finalization of an adoption or legal guardianship.
- Sec. 209: Encouraging the placement of children in foster care with siblings. Ensures that when a child is removed from their home that agencies also notify all parents of siblings to the child (where the parent has legal custody of the sibling) within 30 days after the removal of a child from the custody of the parent(s).

Effective 1 year after enactment (by September 29, 2015)

Identifying and Protecting Children and Youth at Risk of Sex Trafficking

- Sec. 101: Identifying, documenting, and determining services for children and youth at risk of sex trafficking. States 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 children or youth in the placement, care or supervision of the state who are victims of sex trafficking or at risk of becoming a sex trafficking victim. States also have the option to extend services to youth under age 26 who were or were never in foster care.
- Sec. 104: Locating and responding to children who run away from foster care. Requires states to develop and implement plans to expeditiously locate any child missing from

foster care; determine the primary factors that contribute to the child’s running away or being absent from foster care; and determine the child’s experiences while absent from foster care, including screening whether the child was a victim of sex trafficking.

Improving Opportunities for Children in Foster Care and Supporting Permanency

- Sec. 111: Supporting normalcy for children in foster care. States must implement a “reasonable and prudent parent standard” allowing foster parents to make more day-to-day decisions for youth in their care.
- Sec. 112: Improving another planned living arrangement as a permanency option. Prohibits the use of “Another Planned Permanent Living Arrangement” (APPLA) as a permanency goal for all children in foster care under age 16, and additional requirements on the agency to ensure that youth ages 16 and older with an APPLA permanency goal are appropriately placed in APPLA. (For children in foster care under the responsibility of an Indian tribe, tribal organization or tribal consortium, the APPLA changes will not apply until three years after enactment of this Act.)
- Sec. 113: Empowering foster children age 14 and older in the development of their own case plan and transition planning for a successful adulthood. Youth in foster care age 14 or older must be consulted in the development of their own case plan, including selecting two trusted adults to be part of the permanency planning team (state has the ability to reject an individual selected if there is good reason to believe they would not act in the best interest of the child), and would receive a list of their rights while in foster care regarding education, health, visitation, court participation, and other matters. Youth ages 14 and older must also receive a free annual credit report and help resolving any inaccuracies.
- Sec. 114: Ensuring foster children have a birth certificate, social security card, health insurance information, medical records, and a driver’s license or equivalent state-issued identification card. To better equip former foster youth for success as adults, States must ensure youth who age out of foster care at age 18 (or older in states that extend foster care assistance), and who have spent at least six months in care, are provided the following when they leave foster care: a birth certificate, Social Security card, health insurance information, medical records, and a driver’s license or State ID.

Improving Adoption Incentive Payments

- Sec. 210: Effective dates. Moving forward, all incentive awards will be calculated using the new law’s methodology (incentives based on improvements in *rates* rather than *numbers*) and incentive categories laid out in section 202 (including both guardianship and adoption).

Effective 2 years after enactment (by September 29, 2016)
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Identifying and Protecting Children and Youth at Risk of Sex Trafficking

- Sec. 101: Identifying, documenting, and determining services for children and youth at risk of sex trafficking. States must demonstrate to HHS that the state is implementing the policies and procedures that were developed in year 1 of enactment (refer back to Sec 101 in previous section).

- Sec. 102: Reporting instances of trafficking. States must report immediately to law enforcement – within 24 hours – after receiving information on a child or youth who was identified as being a sex trafficking victim.
- Sec. 104: Locating and responding to children who run away from foster care. States must also report within 24 hours of receiving information on missing or abducted children to the law enforcement authorities so that the information can be entered into the National Crime Information Center Database and the National Center for Missing and Exploited Children. (NCMEC).
- Sec. 105: Increasing information on children in foster care to prevent sex trafficking. HHS must report to Congress information on children who run away from foster care and their risk of becoming victims of sex trafficking; information on state efforts to provide specialized services, foster family homes, child care institutions, or other forms of placement for children who are sex trafficking victims; and information on state efforts to ensure children in foster care form and maintain long-lasting connections to caring adults, even when a child is placed under the supervision of a new caseworker.

Improving Opportunities for Children in Foster Care and Supporting Permanency

- Sec. 113: Empowering foster children age 14 and older in the development of their own case plan and transition planning for a successful adulthood. HHS must report to Congress regarding the implementation of the amendments in Sec. 113. The report will include an analysis on how states are administering these requirements (permitting children ages 14 and older to select 2 members of their case planning team) and a description of best practices.
- Sec. 115: Information on children in foster care in annual reports using AFCARS data; consultation. HHS must annually report detailed information on children placed in a child care institution or other setting that is not a foster family home. Data must include the number of children in placements and their ages, the number and ages of children with a permanency goal of APPLA, the duration of the placements, the types of child care institutions used and the number of children residing in each such institution, any clinically diagnosed special needs of such children, services and treatment provided in these settings, and the number of children in foster care who are pregnant or parenting. HHS must also consult with states, child welfare organizations, and Congress on other issues to be analyzed and reported on using data from AFCARS and the National Youth in Transition Database.

National Advisory Committee

- Sec. 121: Establishment of a National Advisory Committee on the Sex Trafficking of Children and Youth in the United States. HHS is required to establish and appoint up to 21 individuals to serve on a national advisory committee to advise HHS and the Attorney General on policies to improve the nation’s response to sex trafficking of children.

Effective 3 years after enactment (by September 29, 2017)
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Identifying and Protecting Children and Youth at Risk of Sex Trafficking

- Sec. 102: Reporting instances of trafficking. States must report annually to HHS the number of children and youth who are sex trafficking victims.

- Sec. 112: Improving another planned living arrangement as a permanency option. The permanency goal of Another Planned Permanent Living Arrangement (APPLA) is prohibited for children under age 16 who are under the responsibility of an Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of a state) For tribal children age 16 and older (who may continue to have APPLA as a goal), additional requirements are placed on the agency to ensure they are appropriately placed in APPLA.

Effective 4 years after enactment (by September 29, 2018)

Identifying and Protecting Children and Youth at Risk of Sex Trafficking

- Sec. 102: HHS Report to Congress instances of trafficking. HHS must report annually to Congress the number of children and youth reported by the states as sex trafficking victims.

National Advisory Committee

- Sec. 121: Establishment of a national advisory committee on the sex trafficking of children and youth in the United States. Within 2 years after the establishment of the Committee, the Committee must develop 2 tiers of recommendations for best practices for states to follow in combating sex trafficking of children and youth.

Effective 5 years after enactment (by September 29, 2019)

National Advisory Committee

- Sec. 121: Establishment of a national advisory committee on the sex trafficking of children and youth in the United States. Within 3 years after the establishment of the Committee, the Committee must submit a report to HHS and the Attorney General that describes what states have done to implement the recommendations of the Committee. Within 3 years after the establishment of the Committee, the Committee must submit an interim report on the work of the Committee to HHS, the Attorney General, the Senate Committee on Finance, and the House Committee on Ways and Means.

Effective 6 years after enactment (by September 29, 2020)

Improving Opportunities for Children in Foster Care and Supporting Permanency

- Sec. 111 Supporting normalcy for children in foster care. Beginning in FY 2020, an additional \$3 million will be made available each year under the Title IV-E Independent Living program to support youth's participation in age-appropriate activities.

National Advisory Committee

- Sec. 121: Establishment of a national advisory committee on the sex trafficking of children and youth in the United States. Within 4 years after the establishment of the Committee, the Committee must submit a final report on the work of the Committee to HHS, the Attorney General, the Senate Committee on Finance, and the House Committee on Ways and Means.