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Child Welfare and Child Support: The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)

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Summary

The Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980), an omnibus bill that includes both child welfare and child support provisions, was signed into law on September 29, 2014, as P.L. 113-183. The bill received broad congressional support, passing the House by voice vote (under suspension of the rules) on July 23, 2014, and the Senate by unanimous consent on September 18, 2014.

P.L. 113-183 amends the federal foster care program to require state child welfare agencies to develop and implement procedures for identifying, documenting in agency records, and determining appropriate services for certain children or youth who are victims of sex trafficking, or at risk of victimization. State child welfare agencies must also report to law enforcement and the U.S Department of Health and Human Services (HHS), which administers child welfare programs, about such victims. In addition, HHS must establish a national advisory committee on child sex trafficking that must, among other responsibilities, develop policies on improving the nation's response to domestic sex trafficking. P.L. 113-183 also includes provisions to direct child welfare agencies to develop protocols on locating children missing from care.

The law also seeks to ensure children in foster care have the opportunity to participate in activities that are appropriate to their age and stage of development. It requires changes in state foster home licensing law to enable foster caregivers to apply a "reasonable and prudent parenting" standard when determining whether a child in foster care may participate in activities; and directs state child welfare agencies to provide training to caregivers on using this standard. Other provisions in the law seek to ensure permanent adult connections for older children and better aid their transition to successful adulthood. Under the new law, states are not permitted to assign a permanency plan of "another planned permanent living arrangement" (APPLA) to any child under the age of 16, and must take additional steps to support permanency for children age 16 or older who are assigned that permanency plan. Further, children in foster care who are age 14 or older must be consulted in the development of, and about any revisions to, their case and permanency plans. They must also be made aware of their rights while in care, including the right to receive critical documents (e.g., birth certificate, Social Security card) when they "age out" of care.

P.L. 113-183 separately extends funding authority for Adoption Incentive Payments for three years (FY2014-FY2016). It phases in a revised incentive structure that allows states to earn incentive payments for both adoptions and exits from foster care to legal guardianship, places additional focus on finding permanent homes for older children, and strengthens the way state performance is gauged under the program. The law requires 30% of any state savings (resulting from broadening federal eligibility for adoption assistance) to be used for family strengthening services, including post-adoption services. It also includes provisions to ensure continued federal assistance under the Title IV-E program for eligible children who, following the death or incapacitation of their legal guardian, are placed with previously named successor guardians. Separately, the law appropriates $15 million to continue Family Connection Grants for one year. These grants are intended to strengthen children's connections to their parents and other relatives.

The child support provisions in P.L. 113-183 are designed to improve child support collections in cases where the custodial parent and child live in one country and the noncustodial parent lives in another country. It ensures that the United States is compliant with any multilateral child support enforcement treaties and, as part of this, requires states to update their Uniform Interstate Family Support Act (UIFSA) law to incorporate any amendments adopted as of September 2008 by the National Conference of Commissioners on Uniform State Laws. Further, P.L. 113-183 facilitates greater access to the Federal Parent Locator Service (FPLS) by foreign countries and tribal

governments as part of improving child support collections. It also requires HHS to submit a report to Congress that includes policy options aimed at improving the CSE program. In addition, P.L. 113-183 includes provisions to support standardizing data exchange of child support-related information, and require electronic processing of income withholding for child support.

Effective dates vary by provision of the law. The Congressional Budget Office (CBO) estimated that enactment of H.R. 4980 would reduce overall direct federal spending by $19 million across 11 years (FY2014-FY2024).

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The Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980, P.L. 113-183) is an omnibus bill, including child welfare and child support provisions. As enacted the bill seeks to ensure that child welfare agencies are responsive to particular issues for children and youth in foster care or those who otherwise have contact with the child welfare system, including identifying and determining appropriate services for child sex trafficking victims; supporting "normalcy" for children in foster care; and improving opportunities for older children in foster care to establish permanent connections and make a successful transition to adulthood. The law also reauthorizes two child welfare programs: Adoption Incentive Payments (for three years, FY2014-FY2016) and the Family Connection Grants program (for one year, FY2014). The child support provisions in the bill are intended primarily to increase the effectiveness of the Child Support Enforcement (CSE) program where a noncustodial parent lives in a foreign country. The bill also includes additional child support provisions to improve CSE operations by tribal governments, support standardized data exchange, and require electronic withholding of child support.

Development of the bill's provisions was informed by input from multiple Congressional hearings and roundtables featuring the perspective of foster youth, foster parents, state child welfare agency administrators, private agencies, social service providers, and youth and child welfare advocates. Both the House Ways and Means and Senate Finance Committee also solicited and received public comments on draft versions of the legislation. The final bill (H.R. 4980), which passed the House of Representatives by voice vote (under suspension of the rules) on July 23, 2014, and the Senate, by unanimous consent on September 18, 2014, represented a compromise between multiple bills acted on by the House of Representatives and the Senate Finance Committee earlier in the 113th Congress. President Obama signed the bill into law on September 29, 2014, as P.L. 113-183.

This report begins with an overview and topical summary of the provisions of H.R. 4980, as enacted, and follows this with a review of the Congressional Budget Office (CBO) cost estimate for H.R. 4980 and the legislative origins of the enacted bill.[1]

Overview of the Law

As enacted, the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) responds to concerns about sex trafficking of children in foster care, including responding to those who run away from that care and those who otherwise come into contact with the child welfare agency; encouraging "normalcy" for children in foster care; supporting successful transitions to adulthood for older children in foster care; ensuring strong, permanent families for children who enter or are at risk of entering foster care; and improving child support enforcement activities. The law establishes new requirements for state child welfare agencies, state child support enforcement agencies, and the U.S. Department of Health and Human Services (HHS) which administers federal programs providing funding to those agencies. Overall, the law addresses five basic topics:

- ***Addressing sex trafficking of children who are served by the child welfare agency and children who run away from foster care***. The law requires state child welfare agencies to develop and implement procedures that respond to concerns about sex trafficking of children in foster care (including those who are

[1] For further detail of the law, see CRS Congressional Distribution Memorandum, *The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183): Section-by-Section Summary*, by Emilie Stoltzfus, Carmen Solomon-Fears, and Adrienne Fernandes-Alcantara, October 14, 2014.

not in foster care but are served by the agency), to separately develop protocols to locate and serve children who run away from foster care, to report information about victims of sex trafficking and those who run away from foster care to various entities; and directs HHS to provide information on the numbers of sex trafficking victims identified by state child welfare agencies, establish a national advisory committee concerning sex trafficking of children in the United States, and prepare a report on children who run away from foster care.

- ***"Normalcy" for children in foster care.*** The law requires changes to state licensing laws intended to enable and ensure foster caregivers use a "reasonable and prudent parenting standard" when determining foster children's participation in age-appropriate social, extracurricular and other enrichment activities; requires state child welfare agencies to provide training on the standard for foster caregivers; and directs HHS to provide technical assistance to states on this issue.
- ***Successful transitions to adulthood for older children in foster care.*** For children in foster care under the age of 16, the law prohibits the use of the permanency plan "another planned permanent living arrangement" as an alternative to seeking reunification, adoption, legal guardianship, or placement with a fit and willing relative; requires state child welfare agencies to continue efforts to find permanent connections for youth age 16 or older who are assigned APPLA as their permanency plan; requires state child welfare agencies to involve children in foster care at age 14 or older in their own case and permanency planning and to inform these children of certain rights, including their right to specified key document (e.g., birth certificate, driver's license) when they are "aging out" of foster care.
- ***Extension of child welfare programs and other changes to support strong and permanent families for children.*** The law extends funding authorization for the Adoption Incentives Payment program for three years and revises the incentive payments to include incentives for achieving permanence via legal guardianship; extends funding for Family Connection grant program for one year; requires states to spend an amount equal to at least 30% of certain adoption assistance "savings" for services to strengthen families, including provision of post-adoption supports; ensures that children receiving federal guardianship assistance with a legal relative guardian can continue to do so if that guardian becomes ill or incapacitated and the child is placed with a previously named successor guardian; requires state child welfare agencies to notify the parent(s) of siblings of children who are entering foster care; and directs HHS to report on the number of children who are placed in foster care as a result of a legal guardianship or adoption that has been disrupted or has dissolved.
- ***Improved child support collections***. The law provides for implementation of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (and any other related treaties) to increase effectiveness of child support collections in cases where noncustodial parents live in foreign countries; seeks to improve child support collections involving tribal governments; requires state child support enforcement agencies to adopt certain data standardization measures and to implement electronic withholding of child support payments; and directs HHS to report on additional measures to improve child support enforcement.

These provisions have various effective dates, mostly ranging from the date of enactment to one or more years after that date as described below.

Responding to Sex Trafficking of Child Welfare-Involved Children and Youth

The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) includes new provisions in child welfare law that are designed to respond to sex trafficking of children in foster care or who are otherwise involved in the child welfare system. The experiences of children who enter foster care or are served in foster care, including those who run away from foster care, may place them at higher risk to become a victim of sex trafficking.[2] Some but not all state child welfare agencies have begun to craft specific responses to this concern. At the same time, little definitive information on the scope of sex trafficking among children served by the child welfare agency is available. The provisions enacted in response to these concerns apply to state child welfare agencies and to HHS, which through the Children's Bureau (located within the HHS, Administration for Children and Families, ACF) administers federal funding provided to state child welfare agencies.

Definition of Sex Trafficking Victim

P.L. 113-183 draws from Section 103 of the Trafficking Victims Protection Act (TVPA) to define a "sex trafficking victim" as an individual subject to the "recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act" or who is a victim of a "severe form of trafficking in persons" in which "a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under 18 years of age."

Identifying, Determining Services for, and Reporting on Victims and those at Risk of Victimization

P.L. 113-183 amends the federal foster care program (authorized in Title IV-E of the Social Security Act) to require state child welfare agencies to develop and implement procedures to identify, document in agency records, and determine appropriate services for certain children or youth who are victims of sex trafficking, or at risk of being such victims. The procedures need to ensure relevant training for caseworkers and must be developed in consultation with state and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk children and youth. P.L. 113-183 provides that these procedures are to be developed within one year of the bill's enactment and implemented within two years of that date.

The law further requires state child welfare agencies to report to law enforcement authorities immediately, or in no case later than 24 hours, after they receive information about child or youth victims of sex trafficking. This reporting provision is effective beginning no later than two years after the bill's enactment and applies to information received about any child or youth described below as part of the required "applicable population." Additionally, within three year of the law's enactment, state child welfare agencies are required to annually report to the HHS the total number of children and youth who are sex trafficking victims.

[2] For information about sex trafficking of children generally, see CRS Report R41878, *Sex Trafficking of Children in the United States: Overview and Issues for Congress*, by Kristin Finklea, Adrienne L. Fernandes-Alcantara, and Alison Siskin.

Applicable Population

The procedures to identify, document in agency records and determine services for victims of, or those at risk of, sex trafficking must apply to all children in the care, placement, or supervision of the state child welfare agency, including

- children who are in foster care and under age 18 (or up to any age under 21, if the state has elected to serve such older youth with Title IV-E foster care assistance);
- children (under age 18) who are not in foster care but for whom the agency has an open case file;
- youth (up to age 21, or 23 in limited circumstances) who are receiving services under the Chafee Foster Care Independence Program (CFCIP);[3] and
- children who run away from foster care, provided they have not reached the age at which the state ends Title IV-E assistance (or have not been formally discharged from care).

In addition, a state *may elect* to use these procedures to identify individuals up to the age of 26 who are victims, or at risk of becoming victims, of sex trafficking, without regard to whether the youth was ever in foster care.

Locating and Serving Children Who Run Away from Foster Care

Separately, P.L. 113-183 requires each state child welfare agency (as part of its Title IV-E plan) to develop protocols for (1) expeditiously locating any child missing from foster care; (2) determining the primary factors contributing to the child running away (or otherwise going missing from care) and responding to those factors in the current and subsequent placements; (3) learning about the child's experience while away from care, including determining if the child is a possible victim of sex trafficking; and (4) reporting any related information as required by HHS. These protocols are to be developed and implemented within one year of the law's enactment.

P.L. 113-183 further requires state child welfare agencies to report information it receives on missing and abducted children and youth to the National Center on Missing and Exploited Children (NCMEC) and to law enforcement authorities for inclusion in the FBI's National Crime Information Center (NCIC) database.[4] These reports must be made immediately (and in no case later than 24 hours) after the information is received. Specifically this information must be reported if the information concerns a missing or abducted child or youth who is in foster care (including children who run from care), not in care but is being served by the child welfare agency otherwise, or is receiving services under the Chafee Foster Care Independence Program. State child welfare agency reporting on missing and abducted children and youth must begin no later than two years after the law's enactment.

[3] The Chafee Foster Care Independence program provides federal funding to states for services to assist youth likely to age out of foster care and youth age 16 or older who left foster care for adoption or kinship guardianship, in their transition to adulthood.

[4] NCMEC is a non-profit organization that receives federal funding to carry out activities authorized in federal law, including supporting law enforcement agencies and families in missing children and child sexual exploitation cases (Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974). NCIC is a computerized index of information on crimes and criminals that is maintained by the FBI (28 U.S.C. 534).

Creation of National Advisory Committee on Sex Trafficking

P.L. 113-183 adds a new section to Title XI of the Social Security Act requiring HHS, within two years of enactment of the law, to establish the National Advisory Committee on Sex Trafficking of Children and Youth in the United States. Duties of the committee include (1) advising the HHS Secretary and the Attorney General on policies to improve the nation's response to sex trafficking; (2) developing best practices and recommendations for states to combat sex trafficking of children and youth; (3) providing notice (in consultation with the National Governors Association, the HHS Secretary and the Attorney General) to state governors and child welfare agencies concerning these best practices and recommendations and of the committee's plan to evaluate a state's implementation efforts; and (4) reporting on each state's implementation efforts. Although the committee is required to terminate no later than five years after its establishment, HHS is required to continue to operate and update, as necessary, a website displaying state best practices, recommendations, and evaluation of state-by-state implementation of recommendations.

HHS must appoint all members of the advisory committee in consultation with the Attorney General and the National Governors Association. The committee must be composed of no more than 21 members, at least one of whom must be a former victim of sex trafficking and two of whom must be state governors (one Republican and one Democrat). The Administration for Children and Families (ACF), within HHS, must provide all necessary support for the committee, which must meet at least twice each year at the call of the HHS Secretary. The law also requires the committee to submit interim and final reports of its work to Congress, HHS, and the Attorney General. The law also specifies requirements related to the committee's administration, meetings, and recordkeeping. The law does not provide specific funding for the committee and members are required to serve without compensation or per diem.

HHS to Report Information About Sex Trafficking Victims and Children Who Run Away from Foster Care

Within four years of the law's enactment, HHS must annually report to Congress and the public (via the HHS website) the total number of children and youth who are reported by state child welfare agencies as victims of sex trafficking. The law also includes requirements on collecting national data for children in foster care to indicate whether a child in foster care was identified as a victim of sex trafficking and, if so, whether he or she became such a victim before entering foster care or while in foster care.

P.L. 113-183 further directs HHS to provide a report to Congress summarizing information on children who run away from care and their risk of becoming victims of sex trafficking; state efforts to provide specialized services including foster care or other housing for children who are victims of sex trafficking; and state efforts to ensure children in foster care form and maintain long-lasting connections with caring adults. The report is to be submitted by HHS no later than two years after the law's enactment. To write this report, HHS must use relevant information reported by states under the Adoption and Foster Care Analysis and Reporting System (AFCARS), as well as information gathered under state protocols for responding to children who run from foster care.

Supporting "Normalcy" for Children in Foster Care

The Preventing Sex Trafficking and Strengthening Families Act seeks to ensure that children in foster care have the opportunity to participate in activities that are appropriate to their age and

stage of development. Children who are in foster care have been removed from their families of origin, most often due to abuse or neglect, and a court has given the state child welfare agency the responsibility to place them in a foster care family or other setting where they will be safe. Some child welfare stakeholders, including foster youth and some foster parents, have raised concerns that current state child welfare agency policies limit opportunities for children in foster care to participate in "normal" and age appropriate activities due to policies that prioritize the child's physical safety above all other considerations.[5] P.L. 113-183 adopts a number of provisions to respond to these concerns and generally, these provisions will be effective one year from the date of the bill's enactment.[6]

Defining a "Reasonable and Prudent Parent Standard"

P.L. 113-183 adds definitions to the Title IV-E foster care program for the "reasonable and prudent parent standard" and, a related term "age or developmentally-appropriate." The reasonable and prudent parenting standard is to be used by foster caregivers when determining whether to allow children in foster care to participate in extracurricular, enrichment, cultural, and social activities (such as sports teams, field trips, overnight events and related transportation). It is defined to include "careful and sensible" parental decisions that take into account the child's safety and best interests while also encouraging the child's emotional and developmental growth. "Age or developmentally-appropriate" activities generally refers to activities that are accepted as suitable for children of the same chronological age or level of maturity for the child.

The law stipulates that if any of these "age-related activities" have implications relative to a child's academic curriculum, nothing in Title IV-B or Title IV-E must be construed as authorizing an officer or employee of the federal government to mandate, direct, or control (1) a state or local educational agency, or (2) a school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

Training, Licensing, and Best Practices Related to Applying Reasonable and Prudent Parenting Standard

Under P.L. 113-183, state child welfare agencies must provide training to prospective foster parents on children's developmental stages and on how to apply the reasonable and prudent parenting standard when determining whether a foster child's participation in extracurricular and other activities is age- or developmentally-appropriate. Additionally, HHS is to provide technical assistance to states on best practices to assist foster parents in applying the reasonable and prudent parent standard in a manner that protects a child's safety, allows children to experience normal and beneficial activities, and considers (but does not necessarily make determinative) the concerns of the child's biological parents.

Further, to help ensure legal or regulatory barriers to applying the standard are removed, states must revise their licensing standards for foster family homes and child care institutions to ensure that (1) foster parents are permitted to apply the reasonable and prudent parenting standard, and (2) any contract with a child care institution providing foster care stipulates that the institution will designate a caregiver who is onsite and authorized to apply the reasonable and prudent parenting standard (and who is provided with training in use of this standard in the same manner as training is provided to foster parents). Further, the licensing standards must address appropriate

[5] For more background on this issue see CRS Congressional Distribution Memorandum, "'Normalcy' for Children in Foster Care," by Adrienne Fernandes-Alcantara and Emilie Stoltzfus, May 8, 2013.

[6] HHS may grant a state limited, additional time to meet these requirements if the state needs to enact a law, other than appropriations, to be compliant.

liability concerns with regard to foster parents and private entities contracted with the state in applying the reasonable and prudent parenting standard.

Expanding the Purposes and Funding of the Chafee Foster Care Independence Program

The law separately amends the Chafee Foster Care Independence Program to permit states to spend program funds for the purpose of ensuring that any child who is expected to remain in foster care until age 18 has the opportunity to participate in age- or developmentally-appropriate activities. Beginning with FY2020, the law increases the annual mandatory funding authorization for this program from $140 million to $143 million annually.

Improving Foster Children's Chances for a Successful Transition to Adulthood

Apart from the new requirements on child sex trafficking and "normalcy," the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) makes a number of changes—primarily to the current law requirements laying out specific case planning and permanency planning activities that state child welfare agencies must ensure occur for children in foster care—intended to ensure that youth who are in foster care, make a successful transition to adulthood. Many of these requirements apply without regard to the reason a child eventually exits foster care. Child welfare advocates have called for these changes in an attempt to increase support to young people while in care and leaving care.[7] In general, and unless otherwise noted below, these provisions regarding a successful transition to adulthood are effective one year from the date of the law's enactment.[8]

Reducing Use of the Permanency Plan, Another Planned Permanent Living Arrangement (APPLA)

Foster care is considered a *temporary* living arrangement to ensure a child's safety and well-being. Under current law, state child welfare agencies are required to ensure every child has a court-approved and annually reviewed "permanency plan" (i.e., a strategy to allow the child to exit foster care to a permanent family). Generally, a child's permanency plan must be to reunite with his or her parents, or to be placed for adoption, with a legal guardian, or with a "fit and willing" relative. If, however, a state can document for a court a "compelling reason" that none of those permanency plans are possible or appropriate then the court may establish "another planned permanent living arrangement" (APPLA) as the child's permanency plan. The APPLA designation was added to the law by the Adoption and Safe Families Act (ASFA, P.L. 105-89). In that law, Congress sought to strengthen the permanency planning requirements in child welfare policy and to end "long-term" foster care that resulted from a lack of state effort or planning for permanency. As part of this, the addition of "APPLA" to the law appears to have been intended to

[7] HHS may grant a state limited, additional time to meet these requirements if the state needs to enact a law, other than appropriations, to be compliant.

[8] HHS may grant a state limited, additional time to meet these requirements if the state needs to enact a law, other than appropriations, to be compliant.

ensure that deliberate thought and reasoning preceded any long-term stay for a child in foster care.[9]

Children who are assigned "APPLA" as a permanency plan may live in any kind of foster care setting and are likely to "age out" of care. Responding to concerns about misuse or overuse of APPLA and the resulting lack of permanent connections for these children in foster care, P.L. 113-183 prohibits states from making APPLA the permanency plan for any child in foster care who is under the age of 16.[10] Accordingly, states must always be working to find a permanent family outside of foster care for any child in care at age 16 or younger. For states this provision is generally applicable one year after the law's enactment. For children under the responsibility of a tribe, tribal consortium, or tribal organization (either directly or under the supervision of the state), this provision is not effective until three years after the enactment date.

Additionally, P.L. 113-183 requires that if a child is assigned a permanency plan of APPLA, the state must meet additional requirements for the child as part of the child's annual permanency hearing and, separately, as part of the periodic review (every six months) of a child's status in foster care. These requirements are designed to ensure that the state child welfare agency continues to look for a permanent family for children with an APPLA designation, that the court continues to revisit whether APPLA is an appropriate permanency plan for the child, and that the child is consulted about his/her desired permanency outcome. The requirements also seek to ensure that these children have the ability to participate in age- or developmentally-appropriate activities and that their foster home or child care institutions are following the reasonable and prudent parenting standard.[11]

Engaging Youth Age 14 or Older in Case and Permanency Planning

P.L. 113-183 requires that any child in foster care who is age 14 or older must be consulted in the development of, and any revisions to, his/her case plan and permanency plan. Further, it permits the child to choose up to two members of the case and permanency planning teams (subject to state disapproval of any individual that it has good cause to believe would not act in the child's best interest). One of the child-selected individuals may be the child's advisor and advocate for application of the reasonable and prudent parenting standard. Additionally, P.L. 113-183 provides that the case plan for any child in care at age 14 or older must have a description of services and programs that will help the child transition to successful adulthood included in his or her case plan (and that these must be reviewed at each annual permanency hearing for the child). (A similar requirement concerning necessary services and programs for a youth is included in current law. However, it applies only to children "as appropriate" who are age 16 or older and references services and programs related to "independent living.")

[9] Federal regulation developed to implement ASFA (45 C.F.R. 1356.21(h)(3)) provide several scenarios when APPLA might be the appropriate permanency plan for a child in foster care. The regulation cites the following scenarios when APPLA may be appropriate: (1) an older teen specifically requests a permanency plan of emancipation from foster care; (2) parent and child are strongly bonded but the parent is unable to care for the child because of an emotional or physical disability and the child's foster parents have agreed to raise the child to maturity and to enable visits with the disabled parent; or (3) a tribe has identified another planned permanent living arrangement for the child.

[10] For additional background see CRS Congressional Distribution Memorandum, "Another Planned Permanent Living Arrangement (APPLA) as a Permanency Goal for Children in Foster Care," February 17, 2012 by Adrienne Fernandes-Alcantara and Emilie Stoltzfus.

[11] P.L. 113-183 also makes related conforming amendments to incorporate the new APPLA restrictions and requirements under both Titles IV-B and IV-E of the Social Security Act.

Ensuring Youth in Care Know Their Rights and Their Credit Profile

P.L. 113-183 also requires that the case plan for any child in foster care at age 14 or older must include a document listing the foster child's rights with respect to (1) education, health, visitation, and participation in court proceedings concerning the child; (2) provision of certain identification documents and information, if leaving foster care at age 18 or older; and (3) the right to be safe and avoid exploitation. The case plan must also include an acknowledgement signed by the child noting that he/she was given a copy of the list of rights, and that they were explained to him/her in an age-appropriate manner. Additionally, for a child in care at age 14, the state child welfare agency must, annually and free-of-charge, provide the child with any credit report pertaining to the child and help resolve any inaccuracies. (The credit report provision currently applies to youth in care at age 16 or older.)

Providing Key Documents to Youth Aging Out of Foster Care

For any child who is being discharged from foster care due to his or her age (i.e., at age 18 or any age up to age 21 if the state provides Title IV-E foster care up to that older age), the state must provide the following documents or information (1) an official or certified copy of the child's U.S. birth certificate; (2) a social security card issued by the Commissioner of Social Security; (3) health insurance information, (4) a copy of the child's medical records, and (5) a driver's license or state-issued identification card (meeting the requirements of the REAL ID Act). The law only requires that the state provide a given document if the child is eligible to receive it.

HHS Reports Required

Under P.L. 113-183, HHS is required to submit a report on state implementation of requirements to allow children age 14 or older to select two members of their case and permanency planning teams, including a description of best practices.

Separately, beginning with the report covering FY2016, HHS is required to include in its annual report to Congress (known as *Child Welfare Outcomes*) state-by-state data concerning children placed in group or institutional settings (including certain information about children with APPLA as their permanency plan) and on pregnant and parenting teens. HHS must consult with states and organizations interested in child welfare and to take into account requests from Members of Congress when selecting other issues to be analyzed and reported on—using adoption and foster care data reported by states via AFCARS and data from the National Youth in Transition Database (NYTD)—as part of the annual *Child Welfare Outcomes* report.[12]

Reauthorization of Adoption Incentives Payment Program and Other Provisions to Promote Permanence and Strong Families

The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) extends certain child welfare programs, and makes other changes that are designed to encourage children's placement in a permanent family and to ensure they have strong families.

[12] NYTD is a database that tracks the services received by and outcomes of current and former foster youth. For further information, see CRS Report R43752, *Child Welfare: Profiles of Current and Former Older Foster Youth Based on the National Youth in Transition Database (NYTD)*, by Adrienne L. Fernandes-Alcantara.

Amendments to Adoption Incentive Payments (renamed Adoption and Legal Guardianship Incentive Payments)

P.L. 113-183 continues incentives to states for increased adoptions from foster care by revising and extending Adoption Incentives Payment for three years (FY2014-FY2016). Effective October 1, 2014, the law renamed these payments as "Adoption and Legal Guardianship Incentive Payments." The law revises the categories for which states may earn incentive payments, expanding them to include exits from foster care to legal guardianship and placing additional focus on states' ability to appropriately move children age 9 or older to permanent homes via adoption or guardianship. Additionally, it provides that incentive payment amounts are to be based on improvements a state makes in the rate (or percentage) of children moving to adoption or guardianship in a performance year rather than simply an increase in the number of adoptions.[13] Specifically, the law revises the current award categories as follows. It

- retains an award category for improving ***foster child adoptions*** (all ages) and provides an incentive payment of $5,000 for each such adoption attributed to an improved rate;
- adds a new award category for ***foster child guardianships*** (all ages) and provides an incentive payment of $4,000 for each such guardianship attributed to an improved rate;
- adds a new award category for adoptions and foster child guardianships of children ages 9 through 13 years (defined as "***pre-adolescent" adoptions and guardianships***) and provides an incentive payment of $7,500 for each pre-adolescent adoption or guardianship attributed to an improved rate; and
- adds a new award category for adoptions and foster child guardianships for children ages 14 or older (defined as "***older child" adoptions and guardianships***) and provides an incentive payment of $10,000 for each older child adoption or guardianship attributed to an improved rate.

The new "pre-adolescent" and "older child" adoption and guardianship categories would effectively replace the current "older child" award category, which refers to children nine years of age or older and applies only to adoptions. Further, the award category tied to children under age nine who are determined by their state to have special needs would be eliminated.

Finally, with regard to the incentive structure, in any year that funds appropriated for adoption and/or guardianship incentive payments exceed what is earned by states, HHS is required to award the remaining funds to states where the average time it took a child to move from foster care to a finalized adoption was less than 24 months. Each "timely adoption state" (as determined by HHS) is to be paid an equal share of the remaining funds.

Timing of the New Incentive Structure

The law phases in the new incentive structure as follows: incentive payments announced at the end of FY2014 (for adoptions completed in FY2013) are to be determined based on the incentive structure that was in the law just prior to enactment of P.L. 113-183; incentive payments announced in late FY2015 (for adoptions or guardianships completed in FY2014) are to equal one half of any amount a state would have earned under that older incentive structure and one half based on the new incentive structure. Incentive payments announced in late FY2016 (for

[13] For more information, see CRS Report R43025, *Child Welfare: The Adoption Incentive Program and Its Reauthorization*, by Emilie Stoltzfus.

adoptions or guardianship completed in FY2015) are to be based entirely on the new incentive structure.

Other Incentive Payment Changes

P.L. 113-183 permits states up to 36 months from the month they receive any incentive payment to use those funds (as opposed to 24 months) and stipulates that states must use any incentive payments they receive to supplement, not to supplant, any current spending of federal or non-federal dollars for child welfare activities authorized in any program under Title IV-B or Title IV-E of the Social Security Act.

Calculating Adoption Assistance "Savings" and Using them to Strengthen Families

Since 1980, the federal government has offered support to states for provision of ongoing adoption assistance to eligible children who are determined by their state to have "special needs" *and* who are removed from families with very low incomes. In 2008, Congress adopted provisions designed to remove (over time) the income test requirement as part of determining eligibility for this federal assistance and it stipulated that states must reinvest in child welfare purposes any savings to the state from this change in federal eligibility rules. At that time the Congressional Budget Office estimated significant additional federal spending under this program due to this change in eligibility rules, with the largest increases in federal support to states under this program beginning in FY2014 (and continuing through FY2018 when the new eligibility rules will be fully phased in).[14]

P.L. 113-183 revises prior law requirements concerning calculating any state savings resulting from this change in federal policy and the use of any resulting savings to the state. The new provisions require states to use a methodology specified, or approved, by HHS to calculate any savings. Further, states must annually report to HHS on the methodology used to calculate any savings, the amount of any identified savings, and the use of those savings. In addition, states are required to spend no less than 30% of any identified savings to provide post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who might otherwise enter foster care. Finally, of that 30%, no less than two-thirds must be spent for post-adoption and post-guardianship services. P.L. 113-183 requires HHS to post information from states regarding calculation and makes these requirements concerning adoption assistance savings effective as of October 1, 2014.

Successor Guardianship

Effective with its enactment, the law amends the guardianship assistance provisions of the Title IV-E program. This program provides reimbursement under Title IV-E on behalf of eligible children who leave foster care for placement in a legal guardianship with a relative.[15] The law provides that if the relative legal guardian of a child who is receiving Title IV-E kinship guardianship assistance dies or is incapacitated, the child continues to be eligible for this

[14] CBO, *Cost Estimate, H.R. 6893, Fostering Connections to Success and Increasing Adoptions Act of 2008*, as signed by the President on October 7, 2008.

[15] Federal statute defines "legal guardianship" (for purposes of Title IV-E and Title IV-B of the Social Security Act) as "a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making." Section 475(7) of the Social Security Act.

assistance so long as he or she is placed with a successor legal guardian. The law further stipulates that for eligibility to continue, the successor legal guardian must have been named in the Title IV-E kinship guardianship agreement that was earlier entered into between the state child welfare agency and the child's previous relative legal guardian.

Encouraging Sibling Connections

P.L. 113-183 amended the Title IV-E requirement that states "exercise due diligence" to identify grandparents and other adult relatives of children being removed from parental custody and to provide those relatives notice of the child's removal from his/her parent(s), as well as of the options the grandparent or other adult relative has for participating in the child's care or placement. Specifically, the law now requires that states identify and provide this notice to a parent of a sibling of a child—provided that the parent has legal custody of the sibling. Further, for purposes of the federal foster care program, the law defines "sibling" to mean an individual recognized as a "sibling" under the state's law, or an individual who would be defined as a sibling except for the legal termination or other disruption of parental rights.

Family Connection Grants

P.L. 113-183 appropriates $15 million to continue Family Connection Grants for one year (FY2014).[16] Under the Family Connection Grants program, established in FY2009, public child welfare agencies (state, local or tribal), and non-profit private organizations may seek federal funding to help children—whether they are in foster care or at-risk of entering foster care—connect (or reconnect) with birth parents or other extended kin. Specifically, the funds must be used to establish or carry out kinship navigator programs, intensive family finding efforts, family group decisionmaking policies, and residential family treatment programs.

Data on Disruption and Dissolution of Adoptions or Guardianships

To "promote increased knowledge on how best to ensure strong, permanent families for children in foster care," P.L. 113-183 requires HHS to issue new regulations providing for collection of data from state child welfare agencies concerning children who enter foster care after having been previously adopted or placed in a legal guardianship.

Improvements to Child Support Enforcement

Child support orders require noncustodial parents to fulfill their financial responsibility to their children by contributing to the payment of childrearing costs. The Child Support Enforcement (CSE) program, authorized in Title IV-D of the Social Security Act, is administered at the federal level by the Office of Child Support Enforcement, within ACF at HHS. The program provides support to state child support enforcement agencies to help custodial parents obtain child support through locating noncustodial parents, establishing paternity and child support obligations, and enforcing child support obligations.

It often is difficult to enforce child support obligations in cases where the custodial parent and child live in one country and the noncustodial parent lives in another country. The child support provisions in P.L. 113-183 primarily seek to ensure that the United States is compliant with any multilateral child support treaties and make other changes that are intended to improve the ability

[16] Funding under this grant program is typically awarded by HHS at the end of the fiscal year for which the funding is provided. Therefore, the FY2014 funding has been awarded to provide a third year of funding for grantees who received their first year of project funding on the last day of FY2012.

of the CSE program to collect child support in cases where a noncustodial parent lives in a foreign country. The new law makes limited other changes to the CSE program intended to increase child support collections, including collections handled by tribal governments.

Improving International Child Support Recovery

Although the CSE program has procedures for international enforcement of child support, the federal Office of Child Support Enforcement (OCSE) only has bilateral agreements with 15 countries. Moreover, although individual states have the authority under the CSE program to recognize child support orders from other countries and generally do so, many countries do not reciprocate. The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is a multilateral agreement that contains procedures for processing international child support cases that are intended to be uniform, simple, efficient, accessible, and cost-free to U.S. citizens seeking child support in other countries. The Convention offers the U.S. the opportunity to join a multilateral treaty, saving the time and expense that would otherwise be required to negotiate bilateral agreements with individual countries around the world. Many provisions of the Convention are drawn from the U.S. experience with the Uniform Interstate Family Support Act (UIFSA), which is currently in effect. In fact, most cases under the Convention are expected to be handled in the United States in accordance with UIFSA, which, pursuant to the 2008 amendments includes procedures for handling interstate cases as well as international cases.

The Senate provides advice and consent with regard to treaty obligations entered into by the United States. On September 29, 2010, the Senate approved the Resolution of Advice and Consent regarding the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (referred to in this report as "the Convention"). At that time the OCSE outlined the following additional steps that must occur before the Convention can enter into force for the United States: (1) Congress must adopt, and there must be enacted, implementing legislation for the Convention; (2) pursuant to the implementing legislation, all states must enact the 2008 version of the Uniform Interstate Family Support Act (UIFSA) by the effective date noted in the legislation; and (3) the President must sign the "instrument of ratification" for the Convention (essentially a letter that verifies the treaty is in effect in the United States).

P.L. 113-183 includes provisions to implement the Convention and any other U.S. treaty obligations associated with any multilateral child support convention to which the United States is a party. Further it requires states to adopt the 2008 amendments to the UIFSA verbatim to ensure uniformity of procedures, requirements, and reporting forms.[17] Both of these steps are needed to allow the Convention to enter into force in the United States. The Obama Administration has indicated that President Obama will wait until states comply with the new UIFSA requirement before ratifying the Convention.[18] Once the Convention is in force, it applies to cases that involve parents from countries that are party to the Convention. Separately, the law enables the federal income tax refund offset program[19] to be available for use by a state to handle

[17] UIFSA limits the jurisdiction that can properly establish and modify child support orders and addresses the enforcement of child support obligations within the United States.

[18] U.S. Congress, Senate, *Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Treaty Doc. 110-21)*, Exec. Rept. 111-2 (111th Congress, 2nd Session), January 22, 2010, p. 7.

[19] The Federal Income Tax Refund Offset program collects past-due child support payments from the income tax refunds of noncustodial parents who have been ordered to pay child support. The program is a cooperative effort between the federal Office of Child Support Enforcement (OCSE), the Internal Revenue Service (IRS), and state CSE

CSE requests from foreign reciprocating countries and foreign treaty countries. Moreover, P.L. 113-183 allows the "central authority" for handling international child support cases in foreign reciprocating countries and foreign treaty countries access to information indicating the state in which a noncustodial parent resides. These changes are intended to ensure collection of child support from noncustodial parents who live in a different country than the custodial parent and child.

Child Support Enforcement for Indian Tribes and Tribal Organizations

P.L. 113-183 provides Indian tribes or tribal organizations access to the Federal Parent Locator Service (FPLS) by designating them as "authorized persons." The FPLS is an assembly of systems operated by the Office of Child Support Enforcement (OCSE) within HHS to assist states in locating noncustodial parents, putative fathers, and custodial parties for the establishment of paternity and child support obligations, as well as the enforcement and modification of orders for child support, custody, and visitation. The FPLS is only allowed to transmit information in its databases to "authorized persons," which include (1) child support enforcement agencies (and their attorneys and agents); (2) courts; (3) the resident parent, legal guardian, attorney, or agent of a child owed child support; and (4) foster care and adoption agencies.

Separately, P.L. 113-183 allows Indian tribes or tribal organizations that operate a CSE program to be considered a state for purposes of authority to conduct an experimental pilot or demonstration project under the Section 1115 waiver authority of the Social Security Act to assist in promoting the objectives of the CSE program.

Data Exchange Standardization

P.L. 113-183 requires the Secretary of HHS to issue a rule designating standard data exchange elements for (1) any CSE information required by federal law to be electronically exchanged with another state agency and (2) federal reporting and data exchanges required by federal law. The rule is to be developed by HHS in consultation with an interagency workgroup established by the Office of Management and Budget (OMB) and with consideration of state perspectives. To the extent practicable, the data exchange standards required by the rule would need to: (1) incorporate widely accepted, nonproprietary, searchable, computer-readable format (such as the eXtensible Markup Language); (2) contain interoperable standards developed and maintained by intergovernmental partnerships; (3) include federal entities with authority over contracting and financial assistance; (4) be consistent with and implement applicable accounting principles; (5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and (6) be capable of being continually upgraded as necessary.

Congress has added similar provisions to allow exchange of data across programs by standardizing the format for exchange. Such programs include income security programs (including the Temporary Assistance for Needy Families (TANF) block grant, child welfare programs authorized in Title IV-B of the Social Security Act, Unemployment Insurance, and the Supplemental Nutrition Assistance Program (SNAP)).

agencies. Under the Federal Income Tax Refund Offset program, the IRS, operating on request from a state filed through the Secretary of HHS, intercepts tax returns and deducts the amount of certified child support arrearages. The money is then sent to the state CSE agency for distribution.

Report to Congress on Improving the Child Support Enforcement Program

P.L. 113-183 requires the HHS Secretary, in conjunction with developing its strategic plan for CSE, to review and provide recommendations for cost-effective improvements to the CSE program. In addition, the Secretary must submit a report to Congress, no later than June 30, 2015, that sets forth policy options for improvements to the CSE program. Among other things, the report must include (1) a review of the effectiveness of state CSE programs, the collection practices employed by state CSE agencies, and an analysis of the extent to which the practices result in unintended consequences or performance issues; (2) options, with analysis, for methods to engage noncustodial parents in the lives of their children through consideration of parental time and visitation with children; (3) a review of state practices under the Passport Denial program used to determine which individuals are excluded from the requirements related to passport denial, including the extent to which individuals are able to successfully contest or appeal decisions; and (4) identification of best practices for determining which services and support programs available to custodial and noncustodial parents are non-duplicative, evidence-based programs that produce quality outcomes, and connecting parents to those services and support programs.

Electronic Processing of Income Withholding

Many states still send paper income withholding orders to employers that have to be manually opened, reviewed, and inputted into their payroll system. It is generally agreed that automated systems, including electronic income withholding orders, for the collection and disbursement of child support payments, can significantly reduce costs for employers and also for the states that have to print, enclose, and mail paper income withholding orders.

P.L. 113-183 requires states to use automated systems to collect and disburse child support payments via the State Disbursement Unit by transmitting child support orders and notices to employers for income withholding purposes using uniform formats prescribed by the HHS Secretary and, at the option of the employer, using the electronic transmission methods prescribed by the Secretary.

Parenting Time Arrangements

P.L. 113-183 includes a Sense of the Congress statement that specifies that (1) establishing parenting time arrangements (i.e., visitation) when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards, and (2) states should use existing funding sources to support the establishment of parenting time arrangements, including child support incentives, Access and Visitation Grants, and Healthy Marriage Promotion and Responsible Fatherhood Grants.

Congressional Budget Office Cost Estimate of H.R. 4980

Net Savings Projected

As enacted, H.R. 4980 authorizes expansions in federal support for child welfare programs and activities; however, the Congressional Budget Office (CBO) projects that costs will be more than

fully offset by other provisions of the bill, which would reduce overall direct federal spending by $1 million over six years (FY2014-FY2019) and $19 million over 11 years (FY2014 -FY2024). [20]

Projected Increases

As interpreted by CBO, four provisions of the bill are projected to have costs to the federal treasury over the full cost estimate time frame (FY2014-FY2024). These provisions

- require data collection and reporting under Title IV-E, including certain reporting on victims of sex trafficking who are in foster care (Section 103) and reporting concerning children entering foster care due to disrupted or dissolved adoptions (Section 208) (projected additional cost: $3 million);
- add (as of FY2020) $3 million to annual funding for the the Chafee Foster Care Independence program (Section 111(c)) (projected additional cost: $15 million).
- require certain documents be given to youth leaving foster care due to age (Section 114) (projected additional costs: $4 million); and
- appropriate $15 million for Family Connection Grant (projected additional cost: $15 million).

Projected Savings

These projected costs, however, are estimated by CBO to be fully offset by another four provisions of the bill that it projected will save the federal treasury money across the full cost-estimate time frame (FY2014-FY2024). These provisions are

- allowing continued eligibility under the Title IV-E kinship guardianship assistance program for children placed with a previously identified successor guardian following the death or incapacitation of the child's original relative guardian (Section 207) (projected savings: $7 million);
- requiring compliance with multilateral child support conventions (Section 301) (projected savings: $1 million), and
- requiring electronic income withholding under the Child Support Enforcement (CSE) program (Section 306) (projected savings: $48 million).

Origins of H.R. 4980

The Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980) was introduced by Representative Dave Camp on June 26, 2014, with Representatives Sander Levin, Dave Reichert and Lloyd Doggett, as co-sponsors. The bill's introduction on June 26, 2014, was jointly announced by Representatives Camp and Levin, along with Senators Wyden and Hatch, and was described as "bipartisan legislation [that] reflects agreements reached between the House and Senate negotiators."[21] On July 23, 2014, the House approved H.R. 4980 by voice vote, under suspension of the rules. On September 18, 2014, the Senate passed the bill by unanimous consent.

The bill's three main titles each draw on earlier legislation approved by the overall House or the Senate Finance Committee.

[20] CBO, *H.R. 4980, the Preventing Sex Trafficking and Strengthening Families Act*, as introduced June 26, 2014.

[21] Similar press releases, both including the quoted statement above, were issued by the Senate Committee on Finance and the House Committee on Ways and Means on June 26, 2014.

The Title I provisions on protecting children at risk of sex trafficking were drawn from

- the Protecting Youth at Risk for Sex Trafficking Act (S. 1877), introduced by Senator Baucus in December 2013, the provisions of which were the same as included in Title II of the Supporting At-Risk Children Act (S. 1870), as approved by the Senate Finance Committee that same month;[22] and
- the Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act (H.R. 4058), which was introduced by Representative Reichert in February 2014, reported by the House Ways and Means Committee on May 7, 2014,[23] and passed by the full House (under suspension of the rules and with a voice vote) on May 20, 2014. [24]

The Title II provisions, reauthorizing and amending Adoption Incentive Payments, extending Family Connection Grants for one year, and making some related changes, were drawn from

- the Promoting Adoptions and Legal Guardianships for Children in Foster Care Act (H.R. 3205), which was introduced by Representative Camp on September 27, 2013, and approved by the House (under suspension of the rules and with a voice vote) on October 22, 2013; and
- the Strengthening and Finding Families for Children Act (S. 1876), introduced by Senator Baucus in December 2013, the provisions of which were the same as those included in Title I of S. 1870, as approved by the Senate Finance Committee that same month. [25]

The Title III provisions focus on improving international child support recovery and the Child Support Enforcement program and were drawn from

- the International Child Support Recovery Improvement Act of 2013 (H.R. 1896) introduced by Representative Reichert May 8, 2013, and passed in the House (by a vote of 394 to 27) on June 18, 2013;[26] and
- the Child Support Improvement and Work Promotion Act (S. 1877), introduced by Senator Baucus in December 2013, the provisions of which were the same as

[22] See U.S. Congress, Senate Committee on Finance, S.Rept. 113-137 to accompany S. 1870, filed February 2014.

[23] See U.S. Congress, House Committee on Ways and Means, H.Rept. 113-441 to accompany H.R. 4058, May 2014.

[24] In addition to the bills listed above, Title II of S. 1870 and H.R. 4058 drew on provisions that that were introduced in other legislation from the 113th Congress, including, but not limited to, the Child Sex Trafficking and Data and Response Act (S. 1118/H.R. 2744), introduced by Senator Wyden/Representative Paulsen; the Strengthening Child Welfare Response to Sex Trafficking (H.R. 1732/S. 1823), introduced by Representative Bass/Senator Rubio; and the Improving Outcomes for Youth At-Risk for Sex Trafficking (S. 1518), introduced by Senator Hatch.

[25] In addition to the bills listed above, H.R. 3205 and Title I of S. 1870 drew on provisions or incorporated concepts that were introduced in other legislation from the 113th Congress, including, but not limited to the Guardians for Children Act (H.R. 2979) introduced by Representative Doggett; the Siblings Connections Act (S. 1786), introduced by Senator Grassley; Supporting Adoptive Families Act (S. 1527/H.R. 3423), introduced by Senator Klobuchar/Representative Langevin; Removing Barriers to Adoption and Supporting Adoptive Families (S. 1511), introduced by Senator Rockefeller, and Investing in Permanency for Youth in Foster Care Act (H.R. 3124), introduced by Representative Danny Davis.

[26] In the 112th Congress, H.R. 4282 (the International Child Support Recovery Improvement Act of 2012) was introduced in the House by Representative Berg on March 28, 2012. H.R. 4282 contained implementing language for the Convention. The House passed H.R. 4282, by voice vote on June 5, 2012, but the Senate took no action on the bill. As mentioned above, in the 113th Congress (1st session), H.R. 1896, almost identical to H.R. 4282, was introduced in the House.

those included in Title III of S. 1870, as approved by the Senate Finance Committee that same month.[27]

Congressional Hearings and Other Events

Concerns addressed in P.L. 113-183 have been at the forefront of a variety of congressional hearings, round tables, and other events held by Congressional committees or caucuses over the past five years. The following list, arranged chronologically, illustrates these activities but is not necessarily exhaustive.

In October 2010, the Senate Caucus on Foster Youth, co-chaired by Senators Grassley and Landrieu, issued a white paper that drew on its series of meetings with foster youth and other stakeholders to discuss policy and practice changes that could improve outcomes for children in foster care. Among a wide range of policy options, the white paper discussed restricting the use of another planned permanent living arrangement (APPLA), requiring states to make youth aware of their rights while in foster care, improving access to appropriate social and extracurricular activities, and improving data collection on children in foster care.[28]

More recently, the House Ways and Means Subcommittee on Human Resources and the Senate Finance Committee convened hearings and roundtables to review some of these same issues as well as on improvements for collecting child support.

- In March 2012, the House Ways and Means Subcommittee on Human Resources held a hearing that focused on implementation legislation to ensure U.S. compliance with an international treaty on recovering child support and making improvements to the Child Support Enforcement (CSE) program.[29]
- In April 2012, the Senate Finance Committee convened a roundtable discussion that focused on a number of issues pertaining to the well-being of children in foster care, including the need to normalize the experiences of foster children and improve permanency for older youth in care.[30]
- In February 2013, the House Ways and Means Subcommittee on Human Resources held a hearing concerning increasing adoptions out of foster care. Witnesses from various private organizations discussed the importance of achieving permanency for older children or those with other factors making them harder to place and emphasized the importance of pre-adoption training as well as post-adoption services.[31]

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[27] In the 111th Congress, S. 3848 (the Strengthen and Vitalize Enforcement of Child Support (SAVE Child Support) Act, a bill which included provisions to implement the Hague Convention, was introduced by Senator Menendez on September 28, 2010. It was not enacted. It was re-introduced as S. 1383 in the 112th Congress by Senator Menendez on July 19, 2011 but was not enacted. In was introduced in the 113th Congress as S. 508 by Senator Menendez on March 7, 2013, and has not been enacted.

[28] U.S. Senate Caucus on Foster Youth, "Call to Action," October 7, 2010, http://landrieu.senate.gov/mediacenter/upload/10062010CALLTOACTIONPRESS.pdf.

[29] U.S. Congress, House Committee on Ways and Means, Subcommittee on Human Resources, *No-Cost Improvements to Child Support Enforcement*, 112th Cong., 2nd sess., March 20, 2012.

[30] This roundtable discussion was mentioned in U.S. Congress, Senate Committee on Finance, S.Rept. 113-137 (Legislative History Title II of S. 1870), 113th Cong., 2nd sess., February 6, 2014.

[31] U.S. Congress, House Committee on Ways and Means, Subcommittee on Human Resources, *Increasing Adoptions From Foster Care*, 113th Cong., 1st sess., February 27, 2013.

- In February 2013, the Senate Finance Committee held a roundtable discussion entitled, "Child Support Enforcement: Addressing Immediate and Future Challenges for Child Support Enforcement Agencies." The Committee heard a number of recommendations to improve collection and delivery of payments and services to custodial and noncustodial parents.[32]
- In April 2013, the Senate Committee on Finance held a hearing to consider reauthorization of the Adoption Incentives program, to extend funding for Family Connection Grants and, more broadly, to consider the kinds of changes necessary to make further improvements in the provision of foster care.[33]
- In May 2013, the House Ways and Means Subcommittee on Human Resources held a hearing to discuss efforts to ensure that children in foster care can have the same experiences as their peers generally. The committee heard from a current foster youth and a foster parent regarding limitations on participation in age-appropriate activities and barriers to exercising parenting judgment for children in foster care, as well as from program administrators and advocates on the ways that states and other jurisdictions are promoting "normalcy" for children in care while balancing concerns for safety and liability.[34]
- In June 2013, the Senate Finance Committee held a hearing on child welfare's role in preventing and intervening in the sex trafficking of children. Witnesses included representatives from state and local jurisdictions who testified about how the child welfare system is responding to child sex trafficking and coordinating with other entities (i.e., Children's Advocacy Center, juvenile justice system, probation department, medical and mental health professionals) as part of this response. [35]
- Similarly, in October 2013, the House Ways and Means Subcommittee on Human Resources held a hearing to review the needs of sex trafficking victims and how federal laws and policies might be improved to better ensure the safety of children who are in foster care or those are at risk of entering care.[36]
- In a field hearing in February 2014, that subcommittee also heard from witnesses about efforts by groups in Washington state to end child sex trafficking, including sex trafficking that involves children in foster care.[37]

[32] This roundtable discussion was mentioned in U.S. Congress, Senate Committee on Finance, S.Rept. 113-137 (Legislative History Title III of S. 1870), 113th Cong., 2nd sess., February 6, 2014.

[33] U.S. Congress, Senate Committee on Finance, *The Antwone Fisher Story as a Case Study for Child Welfare*, 113th Cong., 1st sess., April 23, 2013.

[34] U.S. Congress, House Committee on Ways and Means, Subcommittee on Human Resources, *Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth*, 113th Cong., 1st sess., May 9, 2013.

[35] U.S. Congress, Senate Committee on Finance, *Sex Trafficking and Exploitation in America: Child Welfare's Role in Prevention and Intervention*, 113th Cong., 1st sess., June 11, 2013.

[36] U.S. Congress, House Committee on Ways and Means, Subcommittee on Human Resources, *Preventing and Addressing Sex Trafficking of Youth in Foster Care*, 113th Cong., 1st sess., October 23, 2013.

[37] U.S. Congress, House Committee on Ways and Means, Subcommittee on Human Resources, *Efforts to Prevent and Address Child Sex Trafficking in Washington State*, 113th Cong., 2nd sess., February 19, 2014.

Public Comments Solicited and Outside Support Received

Both the House Ways and Means Committee and the Senate Finance Committee sought public comment on draft bills to reauthorize the Adoption Incentives program and make other, related changes to child welfare policy.[38] Separately, the House Ways and Means Committee also solicited public comment on a draft bill to address sex trafficking of children in the child welfare system.[39] Many comments from organizations and interested citizens were received and played a part in shaping the final bill.[40] Ultimately, close to 50 advocacy, research, professional, tribal, and other groups offered their support of H.R. 4980.[41]

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[38] U.S. Congress, House "Ways and Means Committee Releases Draft Proposal to Extend and Improve Adoption Incentives Program," August 7, 2013; and U.S. Congress, Committee on Finance, "Baucus Unveils Discussion Draft of Bill to Strengthen Adoptions, Welcomes Public Comment," September 30, 2013.

[39] U.S. Congress, House "Ways and Means Committee Releases Draft Proposal to Prevent Child Sex Trafficking and Improve the Lives of Youth in Foster Care: Lawmakers Encourage Public to Comment" December 20, 2013.

[40] In floor statements regarding H.R. 4980, Representatives Camp and Reichert mentioned the importance of public comments in crafting provisions of the bill, with Rep. Reichert citing more than 150 pages of comments received on the sex trafficking provisions only. See U.S. Congress, *Congressional Record*, 113th Cong., 2nd Sess. July 23, 2014, p. H6720 (Representative Camp) and p. H6722, Representative Reichert).

[41] See similar press release from House Committee on Ways and Means and Senate Committee on Finance, "Congress Enacts Legislation to Fight Child Trafficking, Strengthen Child Welfare Protections, September 19, 2014, listing 48 organizations in support of H.R. 4980. See also *Congressional Record*, 113th Cong., 2nd Sess. July 23, 2014, p. H6724.