

Preventing Sex Trafficking and Strengthening Families Act Summary of Provisions

The federal Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L.) 113-183, was signed into law in September 2014. The act will need to be implemented over the next two years. This paper has been prepared by the Department of Children and Families (DCF) to summarize the key child welfare provisions of the act and the actions identified to date that will be needed to bring Wisconsin into conformity with the new federal requirements.

Sex Trafficking

Over the next two years, the act requires states to develop policies to identify, document and determine services for youth that are defined as or at risk of becoming sex trafficking victims or a severe form of sex trafficking and follow certain reporting requirements regarding child sex trafficking victims. Specifically:

By September 29, 2015 states must:

- Demonstrate extensive consultation with agencies that have experience with youth.
- Develop policies and procedures that identify, document and determine services for children who are victims or at risk of :
 - Any child or youth in care or supervision of IV-E agency
 - Any youth at risk of becoming a sex trafficking victim or who is a sex trafficking victim
 - Youth not in foster care but who are receiving services under the Chafee Independent Living Program
- Determine if a child has been a sex trafficking victim when missing from out-of-home care and report this information to HHS.

By September 29, 2016 states must:

- Demonstrate they are implementing the policies developed
- Report to law enforcement in no later than 24 hours children or youth that have been identified as sex trafficking victims.

Federal definitions, as established in the Trafficking Victims Protection Act of 2000, for sex trafficking and severe forms of trafficking are:

Sex Trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

Severe Forms of Trafficking in Persons means:

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

To comply with the requirements of the act DCF will carry out stakeholder consultations over the coming months; and based on the consultations, develop policies and procedures that identify, document and determine services for children who are victims or at risk of being victims.

Reasonable and Prudent Parenting Standards

The Act establishes a reasonable and prudent parenting standard for out-of-home care providers intended to create "normalcy" for children in out-of-home care by enabling the child to participate in the same type of activities and experiences pursued by their peers (e.g., sports teams, school field trips, extra-curricular activities). DCF is in the process of determining the changes needed to Wisconsin statutes and administrative rules to comply with federal law requirements by September 29, 2015. These changes include:

- Foster parents and child care institutions are permitted to use the "reasonable and prudent parent standard."
- Caregivers are trained on the "reasonable and prudent parent standard" to ensure that children's access to opportunities that are age and developmentally appropriate are increased.

Changes that Affect Permanency Hearing and Permanency Planning

The Act strengthens the requirements for permanency for youth age 14 and over with the goal of facilitating a successful transition for the youth to adulthood. Specifically, the act requires child welfare agencies to:

- Document the child's rights to education, health, visitation, court participation, receipt of credit report, and any remediation of credit report issues or problems.
- Ensure that a child's plan is developed in consultation with the child and two other individuals selected by the child that are not the caseworker or foster parent.
- Describe services provided to the youth that help transition him or her to successful adulthood; and,
- Provide the youth his/her credit report in addition to assistance in fixing any inaccuracies.

Wisconsin statutes will need to be modified to comply with the new requirements.

Other Planned Permanency Living Arrangement (OPPLA) (Note: provision is called Another Planned Permanency Arrangement in federal law).

Under the new act, by September 29, 2015, states may no longer use the OPPLA provision for youth under the age of 16. Tribes have until September 29, 2017 to comply with this new provision. In addition, states are required to:

- Document efforts to place the child with parent, relative, guardian or adoption;
- Ensure youth voice in the court proceedings;
- Ensure that diligent efforts are made to search for relatives including the use of social media.
- Make a judicial determination that OPPLA is the best permanency outcome plan for the child which should include compelling reasons why it is not in the best interest of the child to be placed elsewhere; and,
- Document at permanency hearing and six month review that steps are being taken by the out-of-home care provider to follow "reasonable and prudent parent standard."

Wisconsin statutes will need to be modified to comply with the new requirements.

Documents Provided to Youth Aging out of Foster Care (excluding youth in care for less than 6 months)

The act requires that youth aging out of foster care are provided with: a Social Security card; driver's license or other state-issued identification card; health insurance information and medical records to help them transition successfully to adulthood. Current Wisconsin policy states that medical and education records should be shared with youth. Policy and possibly statutory changes will be needed to comply fully with the new federal requirements.

Relative Notification

The new federal law specifies the relatives that must be notified when a child is placed in out of home care to strengthen the use of relatives as out-of-home placement options or resources in other ways to children who need to be temporarily removed from their homes. While Wisconsin law is already consistent with many of the specified relative notifications; Wisconsin statutes will need to be updated to include notification of an adult parent of a sibling of the child (when the parent has legal custody of such sibling). An example helps illustrate how this would be implemented. If Johnny and Susie are siblings by the same mother but different fathers and Johnny's birth father passes away, and Johnny is placed in out-of-home care, then, Susie's father would need to be notified as a possible placement resource. Wisconsin has formally requested a delay for implementing this change, the deadline for implementation is January 1, 2016.

Changes to Successor Guardian Provisions

The new law seeks to avoid disruption to children placed with relative guardians by allowing for continuation of subsidized guardianship assistance payments if the relative guardian dies or is incapacitated, and a legal guardian is named in the agreement. It is anticipated that changes will need to be made to Wisconsin statutes, and possibly to policies and tracking systems.

Protocols and Reporting of Youth Missing From Care

The act seeks to reduce the number of children missing from out-of-home care. Specifically, by September 2015, states must:

- Develop and implement protocols that locate children missing from foster care; determine the factors that lead to a child's absence and ensure that these factors are identified to the extent possible in future placements.
- Determine the child's experience when missing from care and report this information to HHS.

By September, 2016, Wisconsin must have protocols in place to report children that are missing, within 24 hours after receiving information, to law enforcement so that information can be entered into the National Crime Information Center (NCIC) database and to the Center for Missing and Exploited Children. Wisconsin already reports to law enforcement for this purpose and is part of a pilot program with the Center for Missing and Exploited Children to help develop effective practices and policies to guide this reporting process. DCF is in the process of assessing the policy and procedure changes that are needed to comply with these requirements.

Data Reporting Requirements

To help inform understanding of certain key policy issues and trends, the new federal law requires data collection and reporting in new areas; specifically:

- **Adoption and Foster Care Analysis and Reporting System (AFCARS) Reporting Changes:** reporting on children DCF has supervision over including in-home safety services and those in foster care identified as sex trafficking victims and, children who enter foster care after a finalized adoption or legal guardianship.
- **Child Welfare Outcomes Report** must report on children who are pregnant or parenting; in congregate care that includes the number of children in congregate care by placement type, setting, and duration in care in that type of placement setting; and, child specific data such as their age, if there is a plan of OPPLA, child special needs, and, special education services. Current information from the Child and Adolescent Needs and Strengths in Wisconsin will be used to track this information. DCF is determining the administrative changes needed to comply with the new data reporting requirements.

Fiscal Changes

The current Adoption Incentive Program is renamed the "Adoption and Legal Guardianship Incentive Payments." and the criteria for the incentive payments are revised to improve the rate of foster child adoptions, particularly older child adoptions and older foster child guardianships (14 and older) and improving the rate of pre-adolescent adoptions and pre-adolescent guardianships and foster child guardianships.

Adoption Assistance Program Savings reporting is changed so that at least 30% of savings are spent on post-adoption services, post-guardianship services and services that support positive permanent outcomes for children at risk of entering foster care. The state must spend 2/3 of the 30% set aside on post-adoption and post-guardianship services.

The act increases funding nationally for the Chafee Independent Living Program by \$3 million in fiscal year 2020. Wisconsin's share of funding is typically two percent of federal allocations.



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Agenda for Stakeholder Consultations Preventing Sex Trafficking and Strengthening Families Act

I. Overview of Federal Legislation (DCF)

II. Discussion Questions:

- a. How do we strengthen the services and supports and provide guidance in Wisconsin to best serve this population?
- b. What policies and procedures and structure would best meet the needs of this population?
- c. What have you found to be the most effective means of reaching and serving this target population?
- d. What are the barriers encountered in providing services and supports for this population?

III. Next Steps (DCF)