



THE “PREVENT SEX TRAFFICKING AND STRENGTHENING FAMILIES” ACT

(HR 4980)

TITLE I: PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING

IDENTIFYING, DOCUMENTING, AND DETERMINING SERVICES FOR CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING.

1 year after enactment the state child welfare agency shall demonstrate to HHS the state agency has developed, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services with respect to:

- Any child or youth over whom the state agency has responsibility for placement, care, or supervision and who the state has reasonable cause to believe is, or is at risk of being, a sex trafficking victim (including children the state child welfare agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age (or 21 under option to extend foster care) and youth who are not in foster care but are receiving services under the Chaffee program; and
- At the option of the state, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the state;

The state agency shall develop the plan 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,

States have two years to demonstrate to HHS they have implemented the policies

The definition of the term 'sex trafficking victim' is the same definition as found under the Trafficking Victims Protection Act of 2000 (TVPA) including that Act's definition of "a severe form of trafficking in persons." Under the TVPA the definitions are:

The term "victim of a severe form of trafficking" means a person subject to an act or practice described in paragraph (8).

The term "victim of trafficking" means a person subjected to an act or practice described in paragraph (8) or (9)

Paragraph eight: (8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "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

Paragraph nine: (9) SEX TRAFFICKING.—The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

REPORTING INSTANCES OF SEX TRAFFICKING

State child welfare agencies shall—

- Not later than 2 years after enactment, report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a sex trafficking victim, to the law enforcement authorities; and
- Not later than 3 years after such date of enactment and every year after, report to HHS the total number of children and youth who are sex trafficking victims.

Duties of HHS—

- Not later than 4 years after enactment and annually after, HHS shall report to the Congress the number of children and youth reported as victims of trafficking

SEX TRAFFICKING DATA IN THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM. (AFCARS)

AFCARS requirements are amended to require:

- The annual number of children in foster care who are identified as sex trafficking victims—
- Who were victims before entering foster care
- Who were victims while in foster care

LOCATING & RESPONDING TO CHILDREN WHO RUN AWAY FROM FOSTER CARE

State child welfare agencies are required to:

- Not later than 1 year after the date of enactment, develop and implement specific protocols for—
 - Expeditiously locating any child missing from foster care;
 - Determining the primary factors that contributed to the child’s running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements;
 - Determining the child’s experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim
 - Reporting such related information as required by HHS; and
- Not later than 2 years after enactment, for each child and youth missing or running from care the state agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children or youth to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation (FBI) and to the National Center for Missing and Exploited Children.”

HHS INFORMATION ON CHILDREN RUNNING FROM CARE/SEX TRAFFICKING

Not later than 2 years after enactment, HHS shall submit to Congress a written report which summarizes:

- Information on children who run away from foster care and their risk of becoming sex trafficking victims, using data reported by States under AFCARS and information collected by states including—
 - Characteristics of children who run away from foster care;

- Potential factors associated with children running away from foster care (such as reason for entry into care, length of stay in care, type of placement, and other factors that contributed to the child’s running away
- Information on children’s experiences while absent from care; and
- Trends in the number of children reported as runaways in each fiscal year (including factors that may have contributed to changes in such trends
- 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 Information on state efforts to ensure children in foster care form and maintain long-lasting connections to caring adults, even when a child in foster care must move to another foster family home or when the child is placed under the supervision of a new caseworker.

SUPPORTING NORMALCY FOR CHILDREN IN FOSTER CARE—PRUDENT FOSTER PARENT

New definitions under Title IV-E, the term ‘reasonable and prudent parent standard’ means:

“the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.”

For purposes of the definition, the term ‘caregiver’ means:

“A foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.”

The term ‘age or developmentally-appropriate’ means:

“activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group;” and

“in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

In the event that any age-related activities have implications relative to the academic curriculum of a child, nothing in this part or part B shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a state or local educational agency, or the specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction of a school.

States are required to include foster parent training/preparation is amended:

“and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities”

HHS shall provide assistance to the states on best practices for devising strategies to assist foster parents in applying a reasonable and prudent parent standard in a manner that protects child safety, while also allowing children to experience normal and beneficial activities, including methods for appropriately considering the concerns of the biological parents of a child in decisions related to participation of the child in activities (with the understanding that those concerns should not necessarily determine the participation of the child in any activity).

NORMALCY FOR CHILDREN IN CHILD CARE INSTITUTIONS

The state plan requirements are amended with a new requirement:

- For the establishment or designation of a state authority responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard;
- Prudent parent standards shall be applied by the state to any foster family home or child care institution receiving funds under Title IV-E or Title IV-B, as a condition of each contract to provide foster care, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child

in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training

- Prudent parent standards shall include policies related to the liability of foster parents and private entities under contract by the state involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard; and “(D) that a waiver of any standards established pursuant to subparagraph (A) may be made only on a case-by-case basis for nonsafety standards (as determined by the State) in relative foster family homes for specific children in care;”

SUPPORTING PARTICIPATION IN AGE-APPROPRIATE ACTIVITIES

The Chaffee Act is amended by adding a new eighth requirement:

- To ensure children who are likely to remain in foster care until 18 years of age have regular, ongoing opportunities to engage in age or developmentally-appropriate activities as defined under(the prudent parent standard)’
- Funding for the Chaffee program is amended to increase by \$3 million starting in 2020 from the current \$140 million to \$143 million to assist in these activities

Prudent parent and related amendments shall take effect on the date that is 1 year after the date of the enactment with possible delays if HHS determines more time is needed due to requirements/limitations of state legislative sessions.

RESTRICTIONS ON ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (APPLA)

For children under the age of 16 the category of Another Planned Permanent Living Arrangement (APPLA) is eliminated:

- In the case of foster children under the responsibility of an Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of a State), this subsection shall not apply until the date that is 3 years after the date of the enactment of this Act.

In the case of a young person 16 years of age older with an APPLA permanency plan the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

- At each permanency hearing held with respect to the child, the state agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the state agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.
- The state agency shall implement procedures at each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child does the following:
 - Ask the child about the desired permanency outcome for the child.
 - Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to—
 - return home;
 - be placed for adoption;
 - be placed with a legal guardian; or
 - be placed with a fit and willing relative.

At each permanency hearing held with respect to the child, the state agency shall document the steps the state agency is taking to ensure that—

- The child’s foster family home or child care institution is following the reasonable and prudent parent standard; and
- The child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).”

Definitions under Title IV-A foster care is amended

“and, for a child for whom another planned permanent living arrangement has been determined as the permanency plan, the steps the state agency is taking to ensure the child’s foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age

or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities) “

These amendments take effect within one year unless HHS determines more time is required due to the state legislative session and the need to pass enabling legislation

FOSTER CHILDREN AGE 14 (AND OLDER) IN THE DEVELOPMENT OF THEIR CASE PLAN AND TRANSITION PLANNING

New requirements are enacted in terms of children 14 years of age or older:

- With respect to a child 14 years of age, the plan developed or revision of the plan for the child shall be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child.
- A state may reject an individual selected by a child to be a member of the case planning team at any time if the state has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child’s case planning team may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.

LIST OF RIGHTS

The case plan for any child in foster care under the responsibility of the State who is 14 years of age or older shall include:

- A document that describes the rights of the child with respect to education, health, visitation, and court participation, the right to be provided various documents specified in the law, the right to stay safe and avoid exploitation
- A signed acknowledgment by the child that the child has been provided with a copy of the document and that the rights contained in the document have been explained to the child in an age-appropriate way

Not later than 2 years after the date of the enactment, HHS shall submit a report to Congress regarding the implementation of the amendments made by this section. Including an analysis of how States are administering the requirements regarding foster youth 14 or older.

These amendments take effect within one year unless HHS determines more time is required due to the state legislative session and the need to pass enabling legislation

ENSURING FOSTER CHILDREN HAVE KEY DOCUMENTS

If the child is leaving foster care by reason of age (18 years of age or older if the state take the option to extend foster care to 21) and (unless the child has been in foster care for less than 6 months) may not be discharged without being provided with (if the child is eligible to receive such document) an official or certified copy of the United States birth certificate, a social security card, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued by a state.

These amendments take effect within one year unless HHS determines more time is required due to the state legislative session and the need to pass enabling legislation

AMENDMENTS TO THE DATA/AFCAR REQUIREMENTS

State-by-State Data requirements are amended to include:

- Children in foster care who have been placed in a child care institution or other setting that is not a foster family home, including—
 - The number of children in the placements and their ages, including separately, the number and ages of children who have a permanency plan of APPLA
 - The duration of the placement in the settings (including for children who have a permanency plan of another planned permanent living arrangement)
 - The types of child care institutions used (including group homes, residential treatment, shelters, or other congregate care settings)
 - With respect to each child care institution or other setting that is not a foster family home, the number of children in foster care residing in each such institution or non-foster family home
 - Any clinically diagnosed special need of such children; and
 - The extent of any specialized education, treatment, counseling, or other services provided in the settings; and
 - Children in foster care who are pregnant or parenting.

HHS shall consult with states and organizations with an interest in child welfare, including organizations that provide adoption and foster care services, and shall take into account requests from Members of Congress, in selecting other issues to be analyzed and reported on under this section using data available including data reported by states through the Adoption and Foster Care Analysis and Reporting System and to the National Youth in Transition Database

A NEW NATIONAL ADVISORY COMMITTEE ON THE SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES.

Not later than 2 years after the date of enactment of this section, HHS shall establish and appoint all members of the Committee.

Membership shall be composed of not more than 21 members whose diverse experience and background enable them to provide balanced points of view with regard to carrying out the duties of the Committee.

HHS (the Secretary), in consultation with the Attorney General and National Governors Association, shall appoint the members to the Committee. At least 1 Committee member shall be a former sex trafficking victim. 2 Committee members shall be a Governor of a State, 1 of whom shall be a member of the Democratic Party and 1 of whom shall be a member of the Republican Party.

Members shall be appointed for the life of the Committee. Members shall serve without compensation or per diem in lieu of subsistence.

The Committee shall advise the HHS and the Attorney General on practical and general policies concerning the cooperation of Federal, state, local, and tribal governments, child welfare agencies, social service providers, physical health and mental health providers, victim service providers, state or local courts with responsibility for conducting or supervising proceedings relating to child welfare or social services for children and their families, Federal, state, and local police, juvenile detention centers, and runaway and homeless youth programs, schools, the gaming and entertainment industry, and businesses and organizations that provide services to youth, on responding to sex trafficking.

The Commission shall develop successful interventions with children and youth who are exposed to conditions that make them vulnerable to, or victims of, sex trafficking; and recommendations for administrative or legislative changes necessary to use programs, properties, or other resources owned, operated, or funded by the Federal Government to provide safe housing for children and youth who are sex trafficking victims and provide support to entities that provide housing or other assistance to the victims.

Within 2 years the Committee shall develop 2 tiers (referred to in this subparagraph as 'Tier I' and 'Tier II') of recommended best practices for States to follow in combating the sex trafficking of children and youth. Tier I shall provide States that have not yet substantively addressed the sex trafficking of children and youth with an idea of where to begin and what steps to take. Tier II shall provide States that are already working to address the sex trafficking of children and youth with examples of policies that are already being used effectively by other States to address sex trafficking.

The best practices shall be user-friendly, incorporate the most up-to date technology, and include the following:

- Sample training materials, protocols, and screening tools that, to the extent possible, accommodate for regional differences among the States, to prepare individuals who administer social services to identify and serve children and youth who are sex trafficking victims or at-risk of sex trafficking.
- Multidisciplinary strategies to identify victims, manage cases, and improve services for all children and youth who are at risk of sex trafficking, or are sex trafficking victims, in the United States.
- Sample protocols and recommendations based on current States' efforts, accounting for regional differences between States that provide for effective, cross-system collaboration between Federal, State, local, and tribal governments, child welfare agencies, social service providers, physical health and mental health providers, victim service providers, state or local courts with responsibility for conducting or supervising proceedings relating to child welfare or social services for children and their families, the gaming and entertainment industry, Federal, State, and local police, juvenile detention centers and runaway and homeless youth programs, housing resources that are appropriate for housing child and youth victims of trafficking, schools, and businesses and organizations that provide services to children and youth. These protocols and recommendations should include strategies to identify victims and collect, document, and share data across systems and agencies, and should be designed to help agencies better understand the type of sex trafficking involved, the scope of the problem, the needs of the population to be served, ways to address the demand for trafficked children and youth and increase prosecutions of traffickers and purchasers of children and youth, and the degree of victim interaction with multiple systems.
- Developing the criteria and guidelines necessary for establishing safe residential placements for foster children who have been sex trafficked as well as victims of trafficking identified through interaction with law enforcement.
- Developing training guidelines for caregivers that serve children and youth being cared for outside the home.

The Committee, in coordination with the National Governors Association, Secretary and Attorney General, shall ensure that State Governors and child welfare agencies are notified and informed on a quarterly basis of the best practices and recommendations for States, and notified 6 months in advance that the Committee will be evaluating the extent to which States adopt the Committee's recommendations.

Within 3 years after the establishment of the Committee, the Committee shall submit to the Secretary and the Attorney General, as part of its final report as well as for online and publicly available

publication, a description of what each State has done to implement the recommendations of the Committee.

The report will be submitted to HHS, Department of Justice, Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

The Committee will meet at the call of HHS at least twice each year to carry out this section, and more often as otherwise required and the Committee may establish subcommittees or working groups, as necessary and consistent with the mission of the Committee. The Committee shall terminate 5 years after the date of its establishment, but the Secretary shall continue to operate and update, as necessary, an Internet website displaying the State best practices, recommendations, and evaluation of State-by-State implementation of the Secretary's recommendations.

TITLE II: REAUTHORIZATION OF THE ADOPTION INCENTIVES FUND

The Adoption Incentives fund is extended by three years until FY 2016. Due to the delay, year one (2014) is nearly over, with FY 2015 beginning on October 1, 2014.

AWARD AMOUNTS

The adoption incentives fund is expanded to recognize 4 categories with the goal of promoting adoptions, subsidized guardianships, encouraging states to increase overall placements but to also focus on more challenging adoptions/guardianships for adolescents (9 to 14) and older youth (14 and older). Specifically:

- States shall receive a \$5000 award for increases in overall increased adoption rates
- States shall receive a \$4000 award for increases in overall increase in subsidized guardianship placements (kinship care) from foster care
- States shall receive a \$7,500 award for increases in the adoption rates of "pre-adolescent child adoptions" and "pre-adolescent foster child guardianships." These pre-adolescent children are children in care 9 years old up to age 14
- States shall receive a \$10,000 award for increases in the "older child adoptions" and "older foster child guardianships." These older-child adoptions and guardianships cover children 14 years of age or older

If the funds appropriated for these incentive awards is not fully spent or allocated because enough states have not qualified for an incentive award then HHS shall provide an award to states for "timely adoptions."

- A state has a timely adoption if HHS determines that, for children who were in foster care under the supervision of the state at the time of adoptive placement, the average number of months from removal of children from their home to the placement of children in finalized adoptions is less than 24 months.
- The award amount is based on the amount funds available for the fiscal year divided by the number of timely adoption awarded to states for the fiscal year

TRANSITION RULE

For FY 2014 (this year) one-half of funding will be granted under the old formula and one-half will be awarded under this new formula.

DEFINITIONS OF CATEGORIES, BASE RATE CATEGORIES AND DEFINITIONS

- Foster child adoption rate means the percentage determined by dividing—
 - the number of foster child adoptions finalized in the state fiscal year by the number of children in foster care under the supervision of the state on the last day of the preceding fiscal year
- Base rate of foster child adoptions means the lesser of—
 - the foster child adoption rate for the state for the then immediately preceding fiscal year; or the foster child adoption rate for the State for the average of the then immediately preceding fiscal years
- Foster child adoption means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the state.
- Pre-adolescent child adoption and pre-adolescent foster child guardianship rate means the percentage determined by dividing—
 - the number of pre-adolescent child adoptions and pre-adolescent foster child guardianships finalized in the State during the fiscal year; by the number of children in foster care under the supervision of the state on the last day of the preceding fiscal year, who have attained 9 years of age but not 14 years of age.
- Base rate of pre-adolescent child adoptions and pre-adolescent foster child guardianships means the lesser of—
 - the pre-adolescent child adoption and pre-adolescent foster child guardianship rate for the state for the then immediately preceding fiscal year; or

- the pre-adolescent child adoption and pre-adolescent foster child guardianship rate for the state for the average of the then immediately preceding 3 fiscal years.
- Pre-adolescent child adoption and pre-adolescent foster child guardianship means the final adoption, or the placement into foster child guardianship of a child who has attained 9 years of age but not 14 years of age if— at the time of the adoptive or foster child guardianship placement, the child was in foster care under the supervision of the State; or an adoption assistance agreement was in effect with respect to the child.
- Older child adoption and older foster child guardianship rate means, with respect to a state and a fiscal year, the percentage determined by dividing—
 - the number of older child adoptions and older foster child guardianships finalized in the State during the fiscal year; by the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year, who have attained 14 years of age.
- Base rate of older child adoptions and older foster child guardianships means, with respect to a State and a fiscal year, the lesser of—
 - the older child adoption and older foster child guardianship rate for the State for the then immediately preceding fiscal year; or the older child adoption and older foster child guardianship rate for the State for the average of the then immediately preceding 3 fiscal years.
- Older child adoption and older foster child guardianship means the final adoption, or the placement into foster child guardianship of a child who has attained 14 years of age if—
 - at the time of the adoptive or foster child guardianship placement, the child was in foster care under the supervision of the State; or an adoption assistance agreement was in effect under section 473(a) with respect to the child.
- Foster child guardianship rate means, with respect to a State and a fiscal year, the percentage determined by dividing—
 - the number of foster child guardianships occurring in the state during the fiscal year by the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.
- Base rate of foster child guardianships means, with respect to a State and a fiscal year, the lesser of—

- the foster child guardianship rate for the State for the then immediately preceding fiscal year; or the foster child guardianship rate for the State for the average of the then immediately preceding fiscal years.
- Foster child guardianship means, with respect to a State, the exit of a child from foster care under the responsibility of the State to live with a legal guardian, if the state has reported to HHS (consistent with the requirements under Title IV-E law)
 - that the State agency has determined that—
 - the child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;
 - being returned home or adopted are not appropriate permanency options for the child;
 - the child demonstrates a strong attachment to the prospective legal guardian, and the prospective legal guardian has a strong commitment to caring permanently for the child; and
 - if the child has attained 14 years of age, the child has been consulted regarding the legal guardianship arrangement; or “(B) the alternative procedures used by the State to determine that legal guardianship is the appropriate option for the child.”

The Adoption Incentives Fund is renamed to “the Adoption and Legal Guardianship Incentive Payments”

USE OF FEDERAL FUNDS AND SUPPLANTATION

States are directed to use the Adoption and Legal Guardianship Incentive Payment funds to supplement, and not supplant, any Federal or non-Federal funds used to provide any service under Title IV-B or Title IV-E programs but states are allowed to use those funds over 36 months instead of the current 24 months

STATE REPORT ON CALCULATION AND USE OF SAVINGS RESULTING FROM THE PHASE-OUT OF THE LINK TO AFDC ELIGIBILITY FOR ADOPTION ASSISTANCE

Under the 2008 Fostering Connections to Success Act, states were directed to use and savings from the expansion of federal Adoption Assistances to supplement child welfare savings rather than using funding to “supplant” state spending. The bill strengthens this requirement by:

- Directing a state to calculate the savings (if any) resulting from the gradual de-link of adoption Assistance eligibility from the 1996 AFDC standard (de-link) using a methodology specified by HHS or an alternate methodology proposed by the state and approved by HHS.

A State shall annually report to HHS:

- the methodology used to make the calculation without regard to whether any savings are found;
- the amount of any savings and how any such savings are spent, accounting for and reporting the spending separately from any other spending reported to HHS under part IV-B or IV-E.

HHS shall make all information reported pursuant to this provision available on the website of the Department in a location easily accessible to the public.

A state shall spend an amount equal to the amount of the savings (if any) in state expenditures under this part resulting from the application of this change to all applicable children for a fiscal year, to provide to children of families any service that may be provided under Title IV-B or Title IV-E. A State shall spend not less than 30 percent of the savings on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the State.

Of this 30 percent at least 2/3 of the spending shall be spent on post-adoption and post-guardianship services. Any State spending required under this shall be used to supplement, and not supplant, any Federal or non-Federal funds used to provide any service under Title IV-part B or Title IV-E

This section takes effect October 1, 2014.

RESERVATION OF ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS WITH A SUCCESSOR GUARDIAN.

In the event of the death or incapacity of the relative guardian, the eligibility of a child for a kinship guardianship assistance payment under this subsection shall not be affected by reason of the replacement of the relative guardian with a successor legal guardian named in the kinship guardianship assistance agreement under Title IV-E

DATA COLLECTION ON ADOPTION AND LEGAL GUARDIANSHIP DISRUPTION AND DISSOLUTION.

To promote improved knowledge on how best to ensure strong, permanent families for children, HHS shall promulgate regulations providing for the collection and analysis of information regarding children who enter into foster care after prior finalization of an adoption or legal guardianship.

The regulations shall 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 and may include:
 - information concerning the length of the prior adoption or guardianship,
 - the age of the child at the time of the prior adoption or guardianship,
 - the age at which the child subsequently entered foster care under supervision of the state,
 - the type of agency involved in making the prior adoptive or guardianship placement,
 - any other factors determined necessary to better understand factors associated with the child's post-adoption or post-guardianship entry to foster care."

CLARIFYING CURRENT PROTECTIONS FOR THE PLACEMENT OF CHILDREN IN FOSTER CARE WITH SIBLINGS.

In notifying relatives of the placement of a child in foster care the current requirement is amended by striking "all adult grandparents" and inserting "the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling,"

The term 'sibling' means an individual who satisfies at least one of the following conditions with respect to a child:

- The individual is considered by State law to be a sibling of the child.
- The individual would have been considered a sibling of the child under state law but for a termination or other disruption of parental rights, such as the death of a parent."

Nothing in this section shall be construed as subordinating the rights of foster or adoptive parents of a child to the rights of the parents of a sibling of that child.

The amendments made by this subtitle shall take effect as if enacted on October 1, 2013 except that the new awards and the re-naming and sibling provisions shall take effect October 1, 2014. HHS may delay implementation due to state legislative session requirements

EXTENSION OF FAMILY CONNECTION GRANT PROGRAM

The Family Connection Grants Program is extended through FY 2014 (September 30, 2014)

Eligibility is extended to universities

TITLE III: IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY

CHILD SUPPORT INTERNATIONAL-TRIBAL

HHS has the authority to ensure U.S. compliance with any multilateral child support convention to which the United States is a party. Authorizes access to the Federal Parent Locator Service (FPLS) by an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country so that foreign reciprocating countries will be notified of the state of residence of individuals sought for support enforcement.

Gives the state the option to require individuals applying for services relating to establishment of paternity or child support obligations who reside in a foreign reciprocating country or foreign treaty country to apply for such services with respect to a child through the Central Authority for child support enforcement in the foreign country. Allows the state to accept or reject the application of any individual residing in a foreign country that is not a foreign reciprocating country or a foreign treaty country.

Tribal governments are provided access to Federal parent locator service. An Indian tribe or tribal organization operating a child support program shall be considered a state for purposes of authority to conduct an experimental, pilot, or demonstration project under part D of title IV. HHS may waive compliance with any requirements to the extent and the period HHS finds necessary for an Indian tribe or tribal organization to carry out such project. Costs of the project which would not otherwise be included as expenditures of a program operating under child support under certain circumstances.

DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY

HHS shall, in consultation with an interagency work group established by the Office of Management and Budget and considering state government designate data exchange standards to govern, under this part—

- Necessary categories of information that state agencies operating programs under state plans approved under this part are required under applicable Federal law to electronically exchange with another state agency; and
- Federal reporting and data exchange required under applicable Federal law.

REQUIREMENTS

The data exchange standards required shall, to the extent practicable:

- Incorporate a widely accepted, nonproprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

- Contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;
- Incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;
- Be consistent with and implement applicable accounting principles;
- Be implemented in a manner that is cost-effective and improves program efficiency and effectiveness;
- Be capable of being continually upgraded as necessary.

Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.

REPORT TO CONGRESS

HHS shall report to Congress:

- In conjunction with the strategic plan, review and provide recommendations for cost-effective improvements to the child support enforcement program under part D of title IV of the Social Security Act,
- Ensure that the plan addresses the effectiveness and performance of the program, analyzes program practices, identifies possible new collection tools and approaches, and identifies strategies for holding parents accountable for supporting their children and for building the capacity of parents to pay child support, with specific attention given to matters including front-end services, on-going case management, collections, Tribal-State partnerships, interstate and intergovernmental interactions, program performance, data analytics, and information technology;
- In carrying out the study consult with and include input from:
 - State, tribal, and county child support directors;
 - Judges who preside over family courts or other State or local courts with responsibility for conducting or supervising proceedings relating to child support enforcement, child welfare, or social services for children and their families, and organizations that represent the judges;
 - Custodial parents and organizations that represent them;
 - Noncustodial parents and organizations that represent them; and

- Organizations that represent fiduciary entities that are affected by child support enforcement policies; and solicit public comment;

HHS not later than June 30, 2015, submit to the Congress a report that sets forth policy options for improvements in child support enforcement, which report shall include the following:

- A review of the effectiveness of state child support enforcement programs, and the collection practices employed by state agencies administering programs and an analysis of the extent to which the practices result in unintended consequences or performance issues associated with the programs and practices.
- Recommendations for methods to enhance the effectiveness of child support enforcement programs and collection practices.
- A review of State best practices in regards to establishing and operating State and multistate lien registries.
- A compilation of State recovery and distribution policies.
- Options, with analysis, for methods to engage noncustodial parents in the lives of their children through consideration of parental time and visitation with children.
- An analysis of the role of alternative dispute resolution in making child support determinations.
- Identification of best practices for—
 - Determining which services and support programs available to custodial and noncustodial parents are non-duplicative, evidence-based, and produce quality outcomes, and connecting custodial and noncustodial parents to those services and support programs;
 - Providing employment support, job training, and job placement for custodial and noncustodial parents; and
 - Establishing services, supports, and child support payment tracking for noncustodial parents, including options for the prevention of, and intervention on, uncollectible arrearages, such as retroactive obligations.
 - Options, with analysis, for methods for States to use to collect child support payments from individuals who owe excessive arrearages

ALLOWING FOR ELECTRONIC WITHHOLDING OF CHILD SUPPORT

This provision is to assist in paying for the cost of the legislation.