

Summary of H.R. 2730

Strengthening the Child Welfare Response to Human Trafficking Act of 2011

Status: Introduced by Rep. Karen Bass (D-CA) on August 1, 2011. Co-sponsored by Rep. Sheila Jackson Lee (D-TX), Rep. Tom Marino (R-PA), and Rep. Donald Payne (D-NJ).

Overview: Currently, the federal government provides assistance to foreign victims of human trafficking through TVPA-funded programs. Unfortunately, the U.S. government has assumed existing state agencies such as child welfare would provide for the needs of trafficked citizen and legal permanent resident children. This, however, has not been the case, leaving domestic child victims of human trafficking without a means for support and assistance. Although this legislation is not restricted to citizens, it has the potential to impact domestic victims most.

If signed into law, H.R. 2730 will be a catalyst for discussion at the state level, requiring both federal Department of Health and Human Services (HHS) and state child welfare agencies to begin addressing the issue.

Broadly, this legislation seeks to: 1) require HHS to develop and distribute guidelines and best practices on addressing child trafficking at the state level to child welfare agencies; 2) expand services to age 21 to children under foster care who are identified as human trafficking victims; 3) expand the definition of child care institutions under the Social Security Act so that human trafficking shelters can be included for reimbursement; and 4) require state foster plans to include information on children identified as victims of trafficking and how programs are addressing their needs or plan to address the issue of child trafficking in the future.

Provision Details – Department of Health and Human Services

Directs HHS to:

1. develop and publish guidelines that state child welfare agencies can use regarding identifying, documenting, educating, and counseling children who are victims of or at risk of human trafficking;
2. develop a “best practices toolkit” regarding collaboration between law enforcement and non-profit organizations on how to manage child trafficking cases; and
3. draft recommendations to state child welfare agencies on how to update licensing requirements so that human trafficking safe havens can qualify as child-care institutions under part E of title IV of the Social Security Act. In essence, this will allow child welfare funds to follow the child to treatment in these programs.

Provision Details – State Child Welfare / Foster Care Plans and Agencies

Part E of title IV of the Social Security Act is changed by:

1. (42 U.S.C. 675) amending the definition of “case plan” to include information on the services and safety efforts made for children identified by the agency as victims of human trafficking;
2. (42 U.S.C. 677(a)) expanding the John Chafee Foster Care Independence Program so that children who have been identified as victims of human trafficking can continue to access the benefits of the program to age 21;
3. (42 U.S.C. 671(a)) requiring that state foster care programs include in their agency records which children they care for have been identified as victims of human trafficking and report the numbers of such children in the agency’s report of data directs the agency to report to law enforcement the identities of missing children under child welfare supervision so they can be entered into NCIC; and
4. (42 U.S.C. 671(a)) requiring state foster care plans include information on what the agency is doing regarding the human trafficking and commercial sexual exploitation of children or future plans to address the issue. This must be completed by January 1, 2013.

The effective date is October 1, 2011, but if a state foster care plan meeting these requirements shows that state legislation is required to comply with the requirements of the plan, the state plan will not be considered to be failing to meet its obligations and some buffer is provided based on the state legislative session calendar.