



Preventing Sex Trafficking and Strengthening Families Act: Implications for Grandfamilies

On September 29th 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980) into law. (Public Law 113-183)

The bill has three titles:

- **Title I** focuses on provisions to help states identify, track and develop services for children who are believed to be in danger of being trafficked.
- **Title II** includes a series of child welfare provisions related to improving the Adoption Incentives program and extending the Family Connections Grants.
- **Title III** improves the process of getting international child support by allowing tribal governments and authorized foreign agencies to access the Federal Parent Locator Service.

Unless otherwise noted the following provisions take effect immediately.

Key Provision for Grandfamilies:

Supporting Families:

- **Family Connection Grants:** Funding for Family Connections Grants (which include kinship navigators, family finding, and family group decision making programs) is extended through fiscal year 2014 at the current authorization of \$15 million. This section removes the provision in current law that requires at least \$5 million of the Family Connection Grants funding be used to support kinship navigator programs. It makes institutions of higher education an eligible entity for the matching grants.
- **Reinvestment of Savings for Post Permanency Supports:** States must calculate and report the savings gained from de-linking Title IV-E adoption assistance and show how they were applied to other child welfare services. They must spend a certain percentage of these savings on post-adoption/guardianship services. States must use the savings in addition to, rather than in lieu of, other Title IV-E/B funds. Effective October 1, 2014.
- **Guardianship Assistance for Successor Guardians:** Guardianship Assistance payments for children eligible under Title IV-E may be transferred to the care of another named “successor” guardian in cases where the eligible child’s guardian dies or is otherwise unable to care for them.

Empowering Youth and Caregiver Voices:

These provisions will take effect one year after enactment unless otherwise specified; however delays are permitted if state legislation is required.

- **Reasonable and Prudent Parent Standard:** States must implement a “reasonable and prudent parent standard” to allow foster parents (including licensed kinship caregivers) more autonomy to make decisions in matters affecting the health, safety, and best interest of the child, as well as

extracurricular and social activities. At permanency hearings, the agency must show that the parent standard is being followed and that the child is being given ample chance to participate in age and developmentally appropriate activities.

- **Youth Voice in Case Planning:** Youths aged 14 and older must be allowed to assist in developing and revising their case plan. They can elect to have two people (including relatives) who are not foster parents or caseworkers aid them in planning, one of whom may be designated as their advisor on the “parent standard,” so long as they are believed to be acting in the best interest of the child.
- **Key Documents for Youth Aging Out:** Youths aging out of foster care often choose to move in with relatives. Youth who have been in care at least six months must be provided a legal copy of their personal documents, including their birth certificate, social security card, driver’s license or identification and medical records.

Prioritizing Relative Care:

- **Notification and Placement with Siblings:** Clarifies that agencies must notify parents of a child’s siblings when the child is removed from a parent’s care. This does not give them additional rights over any other party. This includes individuals who would have been considered siblings if not for the termination or other disruption of parental rights.

Promoting Permanency:

- **Incentivized Permanent Guardianship:** The Adoption Incentive Program is renamed the Adoption and Legal Guardianship Incentive Payments Program as of October 1, 2014. The program is reauthorized through the fiscal year of 2016. Incentive payments to states will now be based on guardianships in addition to adoptions. The incentive categories and payment amounts have also been changed to include \$5,000 for foster child adoption, \$7,500 for pre-adolescent child adoption and guardianship, \$10,000 for older child adoption and guardianship, and \$4,000 for foster child guardianship. It also changed the way the incentives are calculated so they will be based on rates of adoptions and guardianships rather than a previous fixed baseline. These provisions take effect as if the legislation was passed October 1, 2013.
- **Another Planned Permanent Living Arrangement (APPLA)** will no longer apply as a permanency goal for children under age 16, and further case planning and review requirements will go into effect for youth with an APPLA permanency goal (implementation is delayed three years for children in the foster care systems of Indian tribes). The state must prove its extensive but unsuccessful efforts to find permanent placements during permanency hearings, which should include attempts to find biological family members. Further, the state agency must ask the child at each hearing about his or her preferred permanency goal and conduct a judicial determination showing why APPLA is still the best option. Takes effect one year after enactment unless otherwise specified; however delays are permitted if state legislation is required.
- **Data on Adoption and Guardianship Disruption and Dissolution:** The Department of Health and Human Services will release regulations for states on the collection and analysis of information on children who re-enter foster care after being placed in adoption or guardianship.