Section by Section Summary of
The Supporting At-Risk Children Act of 2013

Title I- Strengthening and finding families for children

Subtitle A: Adoption incentives grant programs

Section 111*: *Extends the program for three years, from FY 2014 through FY 2016.

Section 112: Replaces the current award system with a rate-based structure.
Currently, the award structure is based on number of adoptions. This section changes that structure to one that is based on rate of adoptions and legal guardianships, which is determined by comparing g the current year and to an average of the three proceeding years.

The awards structure will change as follows:

$4000 for foster care child adoptions above the base rate
$8000 for older child adoptions and guardianships (9 years or older) above the base rate
$4500 for special needs adoptions (9 and younger) above the base rate
$4000 for child guardianships above the base rate

Section 113: Renaming of the program as "Adoption and Legal Guardianship Incentive Payments."

Section 114: Provides for limitations on incentive payments.
States would be required to use any incentive payments received under this program to supplement funds being used to support child welfare services for children and families. If a state's incentive bonus exceeds $100,000, that Sstate must spend a minimum of 25% of any of those incentive funds for services to support and sustain reunification of children with their families, including youth who emancipate from care and subsequently return to their family. As is true under current law, states would be permitted to spend the remaining (up to 75%) incentive payments to provide any of the broad range of child and family services that may be supported under the federal child welfare programs included in Title IV-B and Title IV-E.

Section 115*: *Addresses Adoption Assistance savings and spending.
States would be required to document any savings that accrue to the state based on the incremental removal of federal income eligibility criteria for Title IV-E adoption assistance, which began in FY2010 and will be fully accomplished as of FY2018. In addition, they must reinvest any such savings in one or more of the broad range of services that may be provided to children and their families under the child welfare programs authorized in Title IV-B and Title IV-E of the Social Security Act.

This provision also requires states to annually calculate any savings in state spending based on expanded Title IV-E eligibility criteria. Additionally, each state would need to annually submit to HHS,

the methodology it used to calculate savings; the amount of any savings identified; and how the savings are to be spent. HHS would be required to post this state-reported information on its website. Additionally, states would be required to spend a minimum of 40% of any state savings identified to provide post-adoption or post-guardianship services to children placed in adoptive homes or with guardians and to support and sustain positive permanent outcomes for children who otherwise might enter foster care. The law would be further amended to stipulate that the spending of any such savings would need to supplement, rather than supplant, any federal or non-federal money already being used to support child welfare services available under programs included in Title IV-B or Title IV-E of the Social Security Act.

Section 116: Provides for a replacement guardian in the event that a child's guardian dies.
Under current law, a child receiving Title IV-E kinship guardianship assistance and whose legal relative guardian dies or becomes incapacitated cannot be certain that this assistance will continue with a successor guardian. Currently, a child must re-enter foster care and eligibility would be re-determined after placement in the new guardianship. This section would allow the guardianship assistance provisions of the Title IV-E program to provide 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 assistance so long as he or she is placed with a successor legal guardian who was 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 legal guardian or relative.

Section 117: Provides for improved data collection on adoption and foster child guardianship disruption and dissolution.

Section 118: Amendments shall take effect as if enacted on October 1, 2013.

Subtitle B: Extension of Family Connection Grant Program

Section 121: Three year extension of the Family Connection Grant program.
Grants implement four kinds of programs that intend to enable children in foster care, or at risk of entering care, to stay connected (or newly connect) with family. They are:
1. Kinship navigator programs,
2. Intensive finding efforts,
3. Family group decision-making meetings, and
4. Residential family treatment programs that address substance abuse and mental health issues.

Annual mandatory funding of $15 million would be appropriated for each year from FY2014 through FY2016. This section removes the current law provision that stipulates that no less than 5% of the Family Connection Grants funding provided in each fiscal year must be used to support kinship navigator programs. Additionally, this section permits Family Connection grants to be awarded to "institutions of higher learning," and provide that efforts to promote public-private partnerships to

improve awareness of and services for kinship care families must also extedn to individuals who are willing to be foster parents for youth in foster care who are parents.

Subtitle C: Unemployment compensation

Section 131: Improves the collection of unemployment insurance overpayments through tax refund offset.

As a condition of receiving federal funds related to Unemployment Compensation, would require states – after two years of attempting to collect state unemployment benefit overpayments – to recover any remaining state overpayments through reduced federal income tax refunds.

Title II: Identifying and serving youth vulnerable to sex trafficking

Subtitle A: Addressing the risks that make youth vulnerable to sex trafficking and other negative outcomes

Section 211*: *Identifying and screening youth at risk of sex trafficking.

Required one year after enactment: States, in consultation with the child protective services agency in the state, as part of their eligibility for foster care payments, must demonstrate to the Secretary of HHS that they have developed policies and procedures for identifying and screening in and to determine appropriate state action and services for any child who the state has reasonable cause to believe is a victim of domestic sex trafficking or is at risk of being a victim of domestic sex trafficking. At state option, this provision applies to all youth up to age 26, regardless of whether or not that youth was in, is currently in, or never was in foster care. Required two years after enactment: States must demonstrate to the Secretary that they are implementing these policies and procedures.

Section 212: Improvements to another planned permanent living arrangement as a permanency option [APPLA].

This section addresses when a child in foster care is determined to be ineligible for reunification, adoption, or a legal guardianship arrangement and what conditions should be in place to re-determine that judgment and how these children should be provided access to age appropriate activities. In addition, this section requires the court to submit findings as to why, as of the date of the hearing, another planned permanent living arrangement is the best placement option for the child and identify barriers to permanency outcomes other than another planned permanent living arrangement for the child. This section also prohibits an Another Planned Permanency Living Arrangement designation for youth under the age of 16.

Subtitle B – Empowering older youth vulnerable to domestic sex trafficking and other negative outcomes

Section 221*: *Empowering foster youth age 14 and older in the development of their own case plan and transition planning for a successful adulthood.

This provision requires states to include two members of the case planning team of a child over the age of 14, who are chosen by that child and are not the foster parent or the caseworker. A state may reject someone from inclusion if it has good cause to believe an individual would not act in the child's best interest. One individual selected by the child 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. In addition, this section requires the case plan to include a written document that describes the child's rights with respect to education, health visitation and court participation and to staying safe and avoiding exploitation and a signed acknowledgement by the child that the child has been provided with a written copy of such document.

Section 222*: *Ensuring foster youth have a birth certificate, Social Security card, driver's license or equivalent of a state-issued identification card, and a bank account.

States must ensure that every child who is emancipated from foster care have a copy of his or her birth certificate, a Social Security card, state ID, and a fee-free or low-fee bank account. Failure to comply will result in a penalty for the state in the form of one percentage point in federal reimbursement for administration costs for every ten children the state emancipates without a birth certificate and bank account. If the child, after consultation with the child's selected members of the case planning team, elects not to have a bank account then states will not be penalized.

Subtitle C – Data and Reports

Section 231: Streamline data collection and reporting on sex trafficking.

This requires that each state's Foster Care and Adoption Assistance plan contains a description of the specific measures taken to protect and provide services to children who are victims of sex trafficking. State plans must also ensure state child welfare workers identify and document each child within the child welfare system who is identified as being a victim of sex trafficking; and report information on missing and abducted children to law enforcement authorities and requires law enforcement authorities to notify the National Center for Missing and Exploited Children (NCMEC) when a child is missing from state care.

Section 232*: *Recommendations to Congress for expanding house for youth victims of trafficking

The Department of Health and Human Services (HHS), Department of Defense (DOD), Department of Housing and Urban Development (HUD), and Department of Homeland Security (DHS) shall report to Congress one year after enactment on how to use existing federal resources to create additional housing for service provision to victims of domestic sex and labor trafficking.

Subtitle D- National Advisory Committee on Domestic Sex Trafficking

Section 241: National Advisory Committee on Domestic Sex Trafficking

The Secretary in consultation with the Attorney General shall appoint 21 members to a National Advisory Committee on Domestic Sex Trafficking no later than 180 days after enactment. The Committee is responsible for the development of a definition of commercial sexual exploitation of

Children and for developing best practices for the prevention and intervention of domestic sex trafficking of minors.

Title III – Child support enforcement

Subtitle A: Increased reliability of child support

Section 311*: *Compliance with multilateral child support conventions.

This section provides the implementing language needed to ratify the Hague Convention, a structured system for information exchange and enforcement of child support cases for participating countries, enabling states to more easily collect on child support orders involving parents abroad.

In addition, the provision requires states to enact legislative changes so their state laws are consistent with the treaty, although some have already made such changes. States will need to enact these changes or risk losing federal administrative funds. Ten states have already enacted these changes, but their provisions will not be in force until all states have and the treaty is ratified.

Section 312*: *Passport provisions.

Under current law, an individual with outstanding child support arrearages is prohibited from getting a passport. This section will permit certain individuals who owe child support the right to secure a passport. This section allows an individual who has an income of less than $100,000, is not incurring any new child support obligations, but only owes arrearages, has been making child support payments and would use the passport for work.

Section 313: Child Support Enforcement Programs for Indian Tribes

This section allows tribes that run child support enforcement programs to apply for a waiver; they cannot apply under current law.

Section 314: Parenting Time Arrangements

Currently, parenting time or visitation arrangements are a part of child support discussions for divorced parents. This section establishes a voluntary parenting time arrangement at the time a support order is initially issued for separating, non-married parents.

Subtitle B: Child support enforcement task force

Section 321*: *Establishes a Child Support Enforcement Task Force

Would establish a Child Support Enforcement Task Force to study and evaluate the effectiveness of existing CSE programs and collection practices by state CSE agencies and make recommendations (via a report) to Congress. Would require the Task Force to be composed of 15 members: (1) the Assistant Secretary of the Administration for Children and Families (HHS); (2) 5 members appointed by the Senate, (3) 5 members appointed by the House, (4) 4 members appointed by the President. Would

require the Task Force to hold at least three public meetings which would include: (1) CSE program administrators; (2) family court judges or judges that preside over issues related to child support enforcement, child welfare, or social services for children and their families, and organizations that represent such judges; (3) custodial parents and/or organizations that represent them, (4) noncustodial parents and/or organizations that represent them; and (5) organizations that represent fiduciary entities that are affected by CSE policies. Would transfer $2 million from the unobligated balance of funds for Section 414 of the Social Security Act (i.e., study by the Census Bureau related to the Temporary Assistance for Needy Families (TANF) program) for the Task Force to carry out its duties. The funds would remain available through FY2016. Would require the Task Force to submit its report to Congress by January 1, 2016.