

Battling the Sex Trafficking of America's Children: A primer on HR 4058, the bill designed to prevent foster youth from falling prey to exploitation

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Summary:

Domestic sex traffickers of children draw almost half of their victims from the foster care system. How the child welfare system addresses this will be crucial to stemming the problem. Learn how House bill HR 4058 aims to tackle these appalling crimes.

No doubt, you've heard about the horrific and growing problem of the sex trafficking in the United States. Each year, between 100,000 and 300,000 of our children are prostituted. You may wonder, "Who are these kids, who are being targeted by traffickers and forced or tricked into the commercial sex industry?"

Shockingly, according to the National Center for Missing and Exploited Children (NCMEC), almost *all* (98.8%) of the suspected or confirmed child victims of domestic sex trafficking taken in by NCMEC nationwide from 2004 to 2010 were classified as "endangered runaways." Almost *half* of them (46.7%) had run away from a group home, foster care, Department of Child and Family Services care or a shelter. Thus, while foster children make up only about 1.3 percent of US children (~400,000 of 74.3 million), runaway foster children make up a hugely disproportionate share of our trafficked youth. Add to this an additional 30,000 at-risk youth who are "emancipated" from—age out of—foster care each year, and you begin to see the scope of the problem. All told, our foster children are at profound risk of falling into the hands of the most predatory of criminals.

Despite evidence that links sex trafficking and the foster care system, the current child welfare system is dismally failing to prevent, identify, or intervene effectively when

a child is at risk of being trafficked or has been trafficked. For this reason, a federal bill aimed at preventing and addressing the sex trafficking of youth in foster care was introduced earlier this year.

House Bill HR 4058, entitled "Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act," was introduced by Rep. Dave Reichert (R-WA) on February 14, 2014 and passed, with amendments, by the House in May. It's now on to the Senate. The bill, at its most basic, aims at keeping foster youth from becoming victims of sex trafficking. HR 4058 requires all states to "take steps to prevent, identify, and address sex trafficking of youth in foster care" and to track and report on the situation. There are six overarching provisions of the bill:

1. **Development of plans to address trafficking:** State child welfare agencies must develop policies and procedures for screening and identifying both child victims of sex trafficking and those at risk of being trafficked. When agencies identify children as victims, they must report the information to law enforcement with 24 hours. They must also report missing or abducted children to the National Crime Information Center (NCIC) and the National Center for Missing and Exploited Children. States are further required to devel-

op and enact plans to locate and assist children who go missing from foster care, and to determine the primary factors that contributed to the child running away and what the child's experiences were while absent from care, including whether or not the child was a victim of sex trafficking while missing.

2. **Implementation of the “reasonable and prudent parent” standard.** States would be required to implement this standard for foster parents in order to support normalcy for children in foster care. This both allows and encourages foster parents to make more decisions for the children in their care – decisions such as allowing them to participate in a range of social, extracurricular and cultural activities. Some experts, parents and foster youth argue that current policies actually hinder children's participation in normal childhood activities, further isolating these children and putting them at increase risk.
3. **Return of children to permanent family arrangements and children's participation in their own case plan.** The legislation encourages states to move children out of foster care as soon as possible into some kind of permanent family arrangement. Specifically, it prevents states from designating a case goal of Another Planned Permanent Living Arrangement (APPLA) for children under age 16. For children under age 16, the case goal must be to return them home, place them for adoption, or be placed with a legal guardian or relative. Children over age 14 would also be allowed to participate in their own case planning and choose up to two individuals to be part of their planning team.
4. **Provision of critical documents to youth.** For youth over age 14 who are leaving foster care and have been in foster care for at least six months, states must provide documents including a birth certificate, Social Security card, health insurance information and their medical records. For youths over age 18, the State must also establish a bank account for them.
5. **Collection and reporting of data.** The bill mandates a number of reporting requirements. Among them, states are required to collect and report data on the annual number of children in

foster care who have been identified as sex trafficking victims. The bill further mandates that the Secretary of Health and Human Services report to Congress on: 1) children who run away from foster care (including their characteristics, risk factors, experiences and runaway trends); 2) state efforts to provide specialized services, foster family homes, or child care institutions for children who are victims of sex trafficking; and 3) state efforts to ensure that children in foster care form and maintain long-lasting connections to caring adults. The DHHS Secretary is also required to report data on children living in group homes.

6. **Use of technology to increase child support collections.** The bill requires states to use some form of electronic processing to better handle requests for income withholding orders, which is a primary source of collections of monies for child support.

H.R. 4058 is an important bill. It recognizes that children who are victims of trafficking often interact with the child welfare system at some point during their youth. It mandates that state welfare agencies specifically address this egregious crime against our children. And while it is vitally important for states to take these steps, this is only the beginning. There are many other issues that need to be addressed. For one, this bill only addresses sex trafficking and not labor trafficking. Second, we also need to make available significant funds to provide services to treat the children who become victims of trafficking. And we need to address the underlying vulnerabilities that put these children at risk in the first place. Identifying and treating our youth isn't enough, in the end, we must prevent all of children from falling victim to this most heinous crime.

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References

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2. National Center for Missing and Exploited Children, (2011).
3. Polaris Project http://www.polarisproject.org/storage/documents/05-20-14_Human_Trafficking_Legislation_Fact_Sheet_Final.pdf.
4. US Dept of Health and Human Services, Administration for Children and Families
5. <https://www.childwelfare.gov/pubs/factsheets/foster.cfm> and US government <http://www.childstats.gov/americaschildren/tables/pop1.asp>
6. H.R. 4058: Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act <https://beta.congress.gov/bill/113th-congress/house-bill/4058>
7. 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. Source: H.R. 4058: <https://beta.congress.gov/bill/113th-congress/house-bill/4058>.
8. With APPLA, the child welfare agency maintains care and custody of the youth and arranges a living situation in which the youth is expected to remain until adulthood. APPLA is a permanency option only when other options such as reunification, relative placement, adoption, or legal guardianship have been ruled out. https://www.childwelfare.gov/outofhome/foster_care/oppla_appla.cfm.