



“Preventing Sex Trafficking and Strengthening Families Act” & “Activities and Experiences for Children in Out-of-Home Placement Act”

The President signed into law the “Preventing Sex Trafficking and Strengthening Families Act”: P.L. 113-183, on September 29, 2014. On December 10, 2015 the governor of PA signed Act 75 the “Activities and Experiences for Children in Out-of-Home Placement Act” into law.

Identifying and Protecting Children and Youth At Risk of Sex Trafficking

- A sex trafficking victim is a person who is recruited, harbored, transported, provided, obtained, patronized, or solicited for the purpose of a commercial sex act. A victim of a severe form of sex trafficking is a person who is induced by force, fraud, or coercion, OR under the age of 18, to perform a commercial sex act.
- Sex trafficking is not limited to prostitution but can include stripping, pornography, live sex-shows, or the exchange of sex acts for necessities such as food, shelter, and/or clothing (referred to as “survival sex”).
 - CYF must report to law enforcement immediately, and no later than 24 hours, youth who they have reasonable cause to believe is a sex trafficking victim.
 - CYF must report to law enforcement and National Center for Missing and Exploited Children (NCMEC) immediately, and no later than 24 hours, youth who are missing, abducted or have run away.

Improving Opportunities for Children in Out-Of- Home Placement & Supporting Permanency

- This law allows for youth to be involved in age-appropriate and developmentally-appropriate activities. Basically any activity that other children the youth’s age are involved in like joining a sports team, attending sleepovers, taking a school trip and signing the permission slips, going to summer camp, attending a dance and going on vacation with your foster family (*as long as it does not interfere with visitation or other court orders/service plans*).
- Caregivers (foster/resource parents OR an individual trained and appointed in other out-of-home placement settings) are empowered to make day-to-day decisions that impact their foster child’s participation in activities **without requiring approval of the county or court**.
- Caregivers are held to the “reasonable and prudent parent standard” which means the careful and sensible parental decisions to maintain the health, safety, and best interests of a child while encouraging the emotional and developmental growth of the child. Caregivers can approve or disapprove a child's participation in activities and must consider the following:
 - The child's age, maturity and developmental level to maintain the health and safety of the child.
 - The potential risk factors to the child or to others and the appropriateness of the extracurricular, enrichment, cultural or social activity or experience.
 - The best interest of the child, based on information known by the caregiver.
 - The importance of encouraging the child's emotional and developmental growth.
 - The importance of supporting the development of skills to successfully transition to adulthood.
 - The importance of providing the child with the most family-like living experience possible.
 - Any accommodations that the child may need to safely participate in the activity or experience.
 - The child's wishes, though not the deciding factor, may also be considered.

Limitations within reasonable and prudent parent standard

The following decisions will still require collaboration with agencies, parents, or the court:

- Religious training
- Educational placement
- Non-routine physical care or treatment
- Mental health treatment
- Use of psychotropic medications
- Activities that violate case plan or court order



Case Plan and Case Review for Youth in Foster Care Age 14 and Older

- CYF must assess youth **age 14 and older** for formal independent living services **now called successful transition to adulthood**. Family Service Plans (FSPs) and Child Permanency Plans (CPPs) must be developed in consultation with the youth 14 years or older.
- An FSP/CPP for those in out-of-home care must include:
 - Description of programs and services which will help youth age 14 or older prepare for transition from foster care to a successful adulthood
 - Signed acknowledgement by child/youth that they received the Children in Foster Care Act: Foster Youth Bill of Rights and it was explained in an age appropriate manner
 - A child or youth in out-of-home care may choose up to 2 members of the case planning team to participate in FSP/CPP development. Members selected by youth cannot their foster/resource parent or CYF CW. An agency can “reject” individuals selected by the child if there is “good cause to believe” they would not act in the best interest of the child

- Youth age **14 and older in foster care must** receive:
 - A copy of their credit report from each of the three credit reporting agencies each year
 - Assistance resolving inaccuracies on reports
- Specific documents must be provided when youth age out of or when youth exit foster care:
 - Official or certified copy of birth certificate
 - Social security card
 - Health insurance information
 - Copy of their medical records
 - Driver’s license or ID issued by state

Another Planned Permanent Living Arrangement (APPLA) /Other Planned Permanent Living (OPPLA)

- This new federal legislation limits the use of APPLA or OPPLA as a permanency goal to youth age 16 or older.
- At every permanency review concerning a youth with a permanency goal of Another Planned Permanent Living Arrangement...

Children, Youth and Families (CYF) must document:

- Their intensive, ongoing, and as of the date of the hearing, unsuccessful efforts to place child/youth permanently with parent, relative, in an adoptive placement, or in a Permanent Legal Custody (PLC)/Subsidized Permanent Legal Custody (SPLC) placement including efforts to use search technology
- The steps the County Children and Youth Agency (CCYA) is taking to ensure that the reasonable and prudent parent standard is being followed and child/youth has regular opportunities to engage in age- or developmentally-appropriate activities

The court must:

- Ask child/youth about his/her desired permanency outcome
- Make a judicial determination why Another Planned Permanent Living Arrangement (APPLA) is the best permanency option
- State compelling reasons why every other permanency goal is not in the best interest of child/youth