

**First Focus Campaign for Children
Statement for the Record**

**U.S. Senate Committee on Health, Education, Labor and Pensions
Subcommittee on Children and Families:
“Falling Through the Cracks: The Challenges of Prevention and Identification in Child
Trafficking and Private Re-Homing”**

July 25, 2014

Chairman Hagan, Ranking Member Enzi, and Members of the Senate Subcommittee on Children and Families, we thank you for the opportunity to submit this statement for the record in response to the recent hearing on “Falling Through the Cracks: The Challenges of Prevention and Identification in Child Trafficking and Private Re-Homing.”

The First Focus Campaign for Children is a bipartisan organization advocating for legislative change in Congress to ensure children and families are a priority in federal policy and budget decisions. Our organization is dedicated to the long-term goal of substantially reducing the number of children entering foster care, and working to ensure that our existing system of care protects children and adequately meets the needs of families in the child welfare system. We are especially concerned with raising attention to the health and behavioral health needs of children in the foster care system, and identifying policies and practices to effectively address the challenges faced by this vulnerable population.

We are troubled by the recent news stories detailing the practice of private re-homing - when adoptive parents who have experienced challenges post adoption resort to privately placing their legally adopted children in the custody of another adult or family –and want to ensure any existing gaps in federal and state laws are addressed, but also see this time as an opportunity to improve trainings for future adoptive families and increase access to needed post-adoption support services for children and families.

The stories of private re-homing or dissolution of adoptions bring to light many of the difficulties adoptive parents face when they bring a new child into their household. Many adopted children have

mental and behavioral health needs that can contribute to acting out, erratic behavior and difficulty adjusting to new environments. Additionally, children adopted from foreign countries may experience difficulty acculturating to unfamiliar customs and cultures, which can lead to challenges integrating into their new families. Parents should be able to address these challenges without reaching the desperate point at which they feel that they can no longer care for the child. Let me be clear. There is no excuse for private re-homing. Parents should never go through informal channels to place their child in the care of a stranger. This is child abandonment and it is not acceptable. But what it does speak to is the desperation that many parents feel, at some point, (even if most never act on it), when dealing with the significant challenges of integration of a new child into their lives and homes. A child that may have significant physical and behavioral health needs.

The key to addressing these issues is to ensure that adoptive parents have access to a range of critical support services both before and after adoption. Parents who adopt a child should be given extensive training and information about the needs of a child, some of the specific challenges they may face, and a list of resources they can utilize should they require specialized help such as therapeutic care.

While the recent Reuters series on the private re-homing of children is heart-breaking, it is important to remember that these incidences are the outliers. Most adoptive parents are caring and seek appropriate help when they feel overwhelmed and are aware that sending their child to live with a stranger is not an appropriate option. Actively changing child welfare and family law to limit the transfer of custody of children is not the right approach. There are a number of situations where a parent should be able to transfer custody of their child, such as during a military deployment, while in treatment for substance abuse, and many other family-specific reasons. Furthermore, all the re-homing cases brought to light were done privately between parties. Had the court been involved, arbitrary placements of the child would not have been permitted under existing laws unless it met the best interest of the child standard.

We urge Congress to focus on increasing federal funding for support services for parents and children, including services provided under SSA Title IV-B which supports a number of critical State (and eligible tribal) child welfare activities, including family preservation services, family support services, time-limited family reunification services, and adoption promotion and support services. The Promoting Safe and Stable Families program, IV-B Subpart 2, is a relatively small funding stream compared to the open-ended entitlement for foster care under SSA Title IV- E, but critical for the work of State social service agencies given that it may be used to provide services to children and families in need and to help keep

families together. In contrast to the bulk of federal child welfare funding, which is targeted at foster care, PSSF seeks to prevent child abuse and neglect, avoid the removal of children in the first place and supports timely reunification. These funds are often combined with other State and local resources and private funds, and support a range of services, including: parenting classes that promote competencies and positive relationship skills; home-visiting services for at-risk parents as well as other family-based services; respite care for caregivers of children with special needs; and a range of other innovative programs and services for at risk families. According to the FY 2009 National Child Abuse and Neglect Data System (NCANDS), states reported that they provided prevention services to more than three million children. PSSF allowed states to pay for services to 30 percent of those children. These funds, along with the Child Welfare Services funds (Subpart One) are a small but integral part of State social service systems for children and families, including adoptive families, who need assistance in order to keep their families together.

In addition to examining the issue of private re-homing, we are encouraged that the committee is exploring ways in which school administrators can play a role in combatting the sex trafficking of children and youth. We were pleased to learn at the hearing that schools are taking the initiative to address child sex trafficking by implementing collaboration, screening and prevention policies on their campuses. We hope that the model highlighted by Ms. Littrell can be used in schools across the country so that more children can be protected from falling prey to traffickers. Studies report that between 100,000- 300,000 children are sexually exploited in the U.S. each year. Schools are a vital part of a child's life and adults who work with students everyday are in an excellent position to notice warning signs of trafficking. Training school community members, including teachers, bus drivers, maintenance personnel, food service staff, administrators and resource officers to notice signs of and prevent trafficking is critical, as is providing victims with the services they need.

Ms. Littrell's testimony and statements to the Subcommittee highlight the need for collaboration across different sectors, including law enforcement, child welfare agencies and school districts. This cross-collaboration is important as staff can pinpoint trends and work with one another to identify children who demonstrate characteristics of being trafficked. Furthermore, collaboration ensures a systematic approach in addressing the needs of trafficked victims and ensuring that perpetrators are caught so more children are not put at risk. We are encouraged by the partnerships schools are creating with law enforcement and child welfare agencies as well as efforts taken to build awareness in the community about the dangers and warning signs of sex trafficking.

Below are several of our recommendations for you to consider as you develop legislative proposals to address both private rehoming and domestic sex trafficking.

- **Incentivize states to strengthen supports for adoptive parents.** Through additional competitive ACF grants, states should implement programs and resources for adoptive parents including 24-hour call center support, 24-hour in home crisis intervention, mental health services, and support groups.
- **Increase education and training of law enforcement on child abuse and neglect laws.** Law enforcement should be aware that the re-homing of children constitutes child abuse and neglect and parents who engage in this behavior are in violation of the law. Furthermore, they should be familiarized with the Interstate Compact on the Placement of Children (ICPC) to ensure the safety of children who cross state borders.
- **Encourage HHS to issue guidance to states on power of attorney rights.** States should clarify that power of attorney cannot be used to transfer legal custody of children. It can be used for the limited purpose of giving a third party decision making authority over some decisions involving the child. In most states, power of attorney is revocable by the legal parents of the child.
- **Increase funding for Title IV-B and make it mandatory.** Under the Social Security Act, Title IV-B, Subpart 1 funding is mandatory, but under Subpart 2, a portion of the funding for the Promoting Safe and Stable Families program is discretionary. This creates inefficiencies, as states are not clear how much funding Congress will appropriate each year and cannot plan for the long-term. Strengthening funding for PSSF will allow more adoptive parents to have access to the services they need when they face challenges in parenting and will ensure better outcomes for children and families.
- **Decriminalize prostitution by minors.** Minors who are sexually exploited should not be brought up on criminal charges. They are not of legal age to consent to sexual behavior and should be provided with services instead of faced with criminal prosecution and detention.
- **Increase penalties against traffickers and customers.** Minors will continue to be trafficked as long as a demand exists for sexual exploitation. Increased efforts to enforce trafficking provisions as well as harsher penalties against traffickers who sell the children and the customers who engage in such behavior must be imposed to create a true disincentive for trafficking and exploiting children.

- **Increase coordination and communication between agencies.** Clear contacts should be dedicated within agencies to answer questions about what services are available to trafficked victims. In addition, Memorandums of Understandings (MOUs) between agencies should be created so that there is clear accountability of which agency handles a specific service.
- **Allocate more funding resources to provide services for victims including housing, mental health, legal services, rehabilitation etc.** Trafficked victims go through a great deal of trauma and may require specialized services. Flexible funds for specific services should be available based on the needs of the individual. It should be recognized that trafficked victims' service needs may be more complex than that of their peers in foster care and may require longer periods of treatment than would otherwise be needed.
- **Incentivize trainings and reporting of trafficking.** Federal and state governments can provide grants to schools, local law enforcement and child welfare agencies to ensure that providers and agencies are disseminating best practices on working with trafficked victims. In addition, incentives can be given to create better systems that effectively track a child's placement history so more data-driven research can be used to allocate resources.

We thank you again for the opportunity to submit this statement for the record and look forward to working with Congress to improve the health and wellbeing of children across the United States. Should there be any questions regarding this statement, please contact Shadi Houshyar, Vice President, Child Welfare Policy, at shadih@firstfocus.net or (202) 657-0678 or Richa Mathur, Policy Research Associate & Program Manager at rricham@firstfocus.net or (202) 999-4852.