

118TH CONGRESS  
1ST SESSION

# S. 1146

To amend part E of title IV of the Social Security Act to require the Secretary of Health and Human Services to identify obstacles to identifying and responding to reports of children missing from foster care and other vulnerable foster youth, to provide technical assistance relating to the removal of such obstacles, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 30, 2023

Mr. CORNYN (for himself, Ms. STABENOW, Mr. GRASSLEY, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend part E of title IV of the Social Security Act to require the Secretary of Health and Human Services to identify obstacles to identifying and responding to reports of children missing from foster care and other vulnerable foster youth, to provide technical assistance relating to the removal of such obstacles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Find and Protect Fos-  
3 ter Youth Act”.

4 **SEC. 2. ELIMINATING OBSTACLES TO IDENTIFYING AND RE-**  
5 **SPONDING TO REPORTS OF CHILDREN MISS-**  
6 **ING FROM FOSTER CARE AND OTHER VUL-**  
7 **NERABLE FOSTER YOUTH.**

8 Section 476 of the Social Security Act (42 U.S.C.  
9 676) is amended by adding at the end the following:

10 “(f) EVALUATION OF PROTOCOLS RELATING TO  
11 CHILDREN MISSING FROM FOSTER CARE AND OTHER  
12 VULNERABLE YOUTH; TECHNICAL ASSISTANCE.—

13 “(1) IN GENERAL.—The Secretary shall con-  
14 duct an evaluation of the protocols established by  
15 States in accordance with the requirements of sec-  
16 tion 471(a)(35) and, to the extent applicable, by In-  
17 dian tribes or tribal organizations (as defined in sec-  
18 tion 479B(a)) or tribal consortia with a plan ap-  
19 proved under section 471 in accordance with section  
20 479B.

21 “(2) REQUIREMENTS.—The evaluation shall in-  
22 clude the following:

23 “(A) A review of relevant aspects of re-  
24 ports submitted by States, Indian tribes, tribal  
25 organizations, and tribal consortia under this  
26 part and part B, and data and other informa-

1           tion reported pursuant to the system estab-  
2           lished under section 479.

3           “(B) Analysis of the extent to which  
4           States, Indian tribes, tribal organizations, and  
5           tribal consortia comply with, and enforce, the  
6           protocols required by section 471(a)(35).

7           “(C) Analysis of the effectiveness of such  
8           protocols.

9           “(D) Identification of obstacles for States,  
10          Indian tribes, tribal organizations, and tribal  
11          consortia to identifying and responding to re-  
12          ports of children missing from foster care and  
13          other vulnerable foster youth.

14          “(E) Identification of best practices for  
15          identifying such children and youth and inter-  
16          vening with effective services.

17          “(3) TECHNICAL ASSISTANCE.—The Secretary  
18          shall provide States, Indian tribes, tribal organiza-  
19          tions, and tribal consortia with information, advice,  
20          educational materials, and technical assistance relat-  
21          ing to eliminating identified obstacles to identifying  
22          and responding to reports of children missing from  
23          foster care and other vulnerable foster youth and  
24          providing such children and youth with effective

1 services. Such assistance may include dissemination  
2 of—

3 “(A) processes and tools to identify and  
4 examine risk factors and potential trends re-  
5 lated to children who go missing from foster  
6 care and other vulnerable youth;

7 “(B) best practices for runaway tracking  
8 and recovery; and

9 “(C) guidelines for intervention, including  
10 with respect to services, types of providers, and  
11 placement settings.

12 “(4) REPORT.—Not later than 5 years after the  
13 date of enactment of this subsection, the Secretary  
14 shall submit a report to Congress on the results of  
15 the evaluation conducted under this subsection and  
16 the technical assistance provided in accordance with  
17 paragraph (3).”.

18 **SEC. 3. IMPROVING SCREENING AND ASSESSMENT OF**  
19 **CHILDREN RETURNED TO FOSTER CARE**  
20 **AFTER GOING MISSING TO DETERMINE**  
21 **WHETHER THEY WERE, OR ARE AT RISK OF**  
22 **BECOMING, VICTIMS OF SEX TRAFFICKING.**

23 Section 476 of the Social Security Act (42 U.S.C.  
24 676), as amended by section 2, is further amended by add-  
25 ing at the end the following:

1           “(g) IMPROVING IDENTIFICATION OF, AND SERVICES  
2 FOR, CHILDREN WHO RETURN TO FOSTER CARE AFTER  
3 RUNNING AWAY OR OTHERWISE BEING ABSENT FROM  
4 FOSTER CARE AND WHO ARE, OR ARE AT RISK OF  
5 BEING, VICTIMS OF SEX TRAFFICKING.—

6           “(1) ASSISTANCE.—

7                   “(A) SCREENING AFTER A RETURN TO  
8 FOSTER CARE.—The Secretary shall provide  
9 States, Indian tribes, tribal organizations, and  
10 tribal consortia, with information, advice, edu-  
11 cational materials, and technical assistance to  
12 improve compliance with section  
13 471(a)(35)(A)(iii).

14                   “(B) IMPROVING OTHER REQUIRE-  
15 MENTS.—The information, advice, educational  
16 materials, and technical assistance provided  
17 may include information, advice, educational  
18 materials, and technical assistance to improve  
19 or modify policies and procedures (including rel-  
20 evant training for caseworkers) developed by  
21 States, Indian tribes, tribal organizations, and  
22 tribal consortia under section 471(a)(9)(C), in-  
23 cluding the following:

24                           “(i) Identifying, through screening,  
25                           whether the State has reasonable cause to

1 believe the child or youth is, or is at risk  
2 of being, a victim of sex trafficking.

3 “(ii) Documenting the results of such  
4 screening in agency records.

5 “(iii) Determining appropriate serv-  
6 ices for a child or youth for whom the  
7 State determines there is reasonable cause  
8 to identify the child or youth as a victim  
9 of sex trafficking, or as at risk of being a  
10 victim of sex trafficking.

11 “(iv) Documenting in agency records  
12 the determination of appropriate services  
13 for a child or youth described in clause  
14 (iii).

15 “(2) FORMS OF ASSISTANCE.—The assistance  
16 provided under this subsection shall include the fol-  
17 lowing:

18 “(A) Assisting States, Indian tribes, tribal  
19 organizations, and tribal consortia, with devel-  
20 oping oversight mechanisms to assess their  
21 compliance with section 471(a)(35)(A)(iii).

22 “(B) Assisting States, Indian tribes, tribal  
23 organizations, and tribal consortia in devel-  
24 oping—

1           “(i) assessments for screening chil-  
2           dren who return to foster care after run-  
3           ning away or otherwise being absent from  
4           foster care for risk of becoming victims of  
5           sex trafficking; and

6           “(ii) effective and robust policies re-  
7           lating to the use of the assessments.

8           “(C) Working with States, Indian tribes,  
9           tribal organizations, and tribal consortia to im-  
10          prove or modify policies and procedures devel-  
11          oped under section 471(a)(9)(C).

12          “(D) Providing technical assistance on how  
13          States, Indian tribes, tribal organizations, and  
14          tribal consortia may best use data collected pur-  
15          suant to section 479 for oversight of, and to en-  
16          sure compliance with, the requirements of para-  
17          graphs (9)(C) and (35)(A)(iii) of section  
18          471(a).

19          “(3) CONSULTATION.—The Secretary shall, to  
20          the extent practicable, consult with internal and ex-  
21          ternal offices with expertise on sex trafficking, in-  
22          cluding the Office on Trafficking in Persons of the  
23          Administration for Children and Families, on the de-  
24          velopment and dissemination to States, Indian

1 tribes, tribal organizations, and tribal consortia of  
2 the assistance required under this subsection.”.

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