



Child Neglect and Sex Trafficking Amendment Act of 2017

B22-0255

PRIMARY SPONSORS: Mendelson at the request of the Mayor

CO-SPONSORS: None

Click [here](#) to see text of bill as engrossed after first reading

BILL SUMMARY/ANALYSIS – The most recent amendment to the Trafficking Victims Protection Act amended the CAPTA block grants, among other things. In order for a state to receive their share of the block grant, the Mayor must sign an assurance in the state plan that our operating child abuse and neglect services includes, “provisions and procedures regarding identifying and assessing all reports involving known or suspected child sex trafficking victims.” That new provision of CAPTA went into effect on May 29, 2017. This bill would bring the District into compliance with the federal requirement that child welfare agencies consider a child identified as a sex trafficking victim to, also, be a victim of neglect and sexual abuse regardless of whether the perpetrator is a parent, guardian or custodian.

The bill amends the laws on handling of child abuse cases by including victims of sex trafficking. Specifically, within the section of the Code addressing CPS, it amends the definition of child abuse to cover “sexual abuse, which shall include sex trafficking or severe forms of trafficking in persons”. It, also, amends the definition of neglected child to cover victims of sex trafficking or severe forms of trafficking in persons. The definition changes apply to handling of reports by police, investigations, removal of children, and other activities of police and social services.

The bill, also, goes into the section of the Code on judicial procedures regarding delinquency, neglect, and children in need of supervision to add coverage for sex trafficking. It amends the definition of sexual abuse to include sex trafficking and severe forms of trafficking in persons.

COMMENTS – The first section of the bill must be passed to meet the new requirements under CAPTA. Note that B22-0254, the temporary bill that has passed the Council (see below), contains another section necessary to meet the CAPTA requirements. It needs to be added to this bill before passage. It specifically includes the term “sexual abuse” under the definition of child abuse in addition to the sex trafficking amendment. The second portion of this bill is not necessary under CAPTA. It would, however, address other sections of the TVPA.

RELATED BILL/PASSED LAW

B22-0254; A22-0068; L22-0007

Child Protection and Sex Trafficking Temporary Amendment Act of 2017

Click [here](#) to see signed law

In effect until 3/10/18

This bill has the same purpose as B22-0255. As initially introduced, it was identical to B22-0255. However, it has been amended to specifically address only the immediate needs for DC to get their portion of the CAPTA block grant.

BILL SUMMARY/ANALYSIS – The most recent amendment to the Trafficking Victims Protection Act amended the CAPTA block grants. In order for a state to receive their share, the Mayor must sign an assurance in the state plan that our operating child abuse and neglect services includes, “provisions and procedures regarding identifying and assessing all reports involving known or suspected child sex trafficking victims.” That new provision of CAPTA went into effect on May 29, 2017. This bill brings the District into compliance with the federal requirement that child welfare agencies consider a child identified as a sex trafficking victim to, also, be a victim of neglect and sexual abuse regardless of whether the perpetrator is a parent, guardian or custodian.

The temporary Act amends the laws on handling of child abuse cases and mandatory reporting by including victims of sex trafficking. Specifically, within the section of the Code addressing CPS, it amends the definition of ‘child abuse’ to cover “sexual abuse, which shall include sex trafficking or severe forms of trafficking in persons”. It, also, amends the definition of ‘neglected child’ to cover victims of sex trafficking or severe forms of trafficking in persons. The definition changes apply to handling of reports by police, investigations, removal of children, and other activities of police and social services.

The temporary Act does not include the section of the Child Protection and Sex Trafficking Amendment Act of 2017 (B22-0255) that would amend the portion of the DC Code on judicial procedures regarding delinquency, neglect, and children in need of supervision. Those changes are not required to receive the block grant, which is the immediate concern.

The temporary Act adds a section that amends the mandatory reporting section of the DC Code. It amends the definition of ‘neglected child’ to cover victims of sex trafficking or severe forms of trafficking in persons. The mandatory reporting statute applies to all persons who are mandatory reporters of child abuse and neglect. Those persons include Child and Family Services Agency employees, agents, and contractors, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager, social service worker, day care worker, human trafficking counselor, domestic violence counselor, and mental health professional.

COMMENTS – The temporary Act that will be in effect until 3/10/18. It was immediately essential for DC to get their share of the CAPTA block grant.

Retained by the Council with comments from the Committee on Human Services and the Committee on Judiciary and Public Safety

Amended by Nadeau at first reading and vote (5/2/17)

Final Vote (5/16/17)

Became law on September 1, 2017