

# Child Welfare Legislative Changes

What you need to know for your state-based anti-trafficking response



## Factsheet overview

This factsheet covers federal legislative changes to child welfare (CW) response that may impact your state's CW processes to respond to cases of human trafficking. Child welfare response is a critically important component of anti-trafficking efforts.

## New requirements in federal child welfare legislation

*Key new requirements in federal legislation that are important to be aware of include the following:*



**Trafficking Victims Protection Act of 2022:** Establishes protections and reporting for foreign national children.



**Preventing Sex Trafficking and Strengthening Families Act:**

Requires reporting of and response to youth missing from care and the development of policies and procedures to address the following:

- Identification of sex trafficking and risk of sex trafficking;
- Documentation of sex trafficking and risk of sex trafficking;
- Determination of services for children who are sex trafficked or at-risk.



**Justice for Trafficking Victims Act:** Adds *sex trafficking* as a form of child abuse and neglect under state law *and* develops policies and procedures for the following:

- Training all child protection staff on identifying, assessing or coordinating services for youth;
- Assessing reports of known or suspecting sex trafficking.



**Families First Prevention Services Act:** Establishes standards for high-quality residential care and support for sex trafficked, commercial sexually exploited, and at-risk youth.

## Improving Outcomes for Child and Youth Victims of Human Trafficking TTA Project

Expert factsheet developed by  
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## Recent changes to federal CW legislation

Recent changes to federal child welfare legislation now include labor trafficking and an updated sex trafficking definition. These changes include the following:

- **New interpretation of prior laws:**
  - Child welfare agencies must have policies and procedures for identifying, documenting, and determining services for children under state child welfare supervision who have experienced human trafficking or are at risk for human trafficking victimization;
  - Mandated reporters must report concerns of sex trafficking using the definition of sex trafficking from the TVPA, as amended (which includes non-caregiver perpetrators).
- **TVPA Reauthorization Act of 2022:**
  - Human trafficking must be included as a form of “child abuse and neglect” and “sexual abuse”.
  - **(Sec. 122 (b)):** States should evaluate whether to remove third party control requirement for child sex trafficking.
- **TVPA Reauthorization Act of 2022:** Child welfare agencies shall maintain regular communication with the National Center for Missing and Exploited Children (NCMEC) and law enforcement to provide for safe recovery of missing child *and* new requirements for data child welfare provides to NCMEC.

## How to apply this information in your community

This information can be used to support your state’s child welfare partners. Ms. Gilot suggests engaging state child welfare partners in the following ways: supporting mandated reporting practices, supporting and advocating for clients during screening and investigations, connecting child welfare involved youth to community supports and services, and assisting survivors with ongoing support and services as they integrate into the community.

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SUPPORTING STATES TO  
**IMPROVE OUTCOMES**  
FOR CHILD AND YOUTH VICTIMS  
OF HUMAN TRAFFICKING

