



**CWDA**

**County Welfare Directors Association of California**

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**To:** County Welfare Directors Association of California

**From:** Tom Joseph, Director, CWDA Washington, D.C. Office

**Date:** February 10, 2014

**Re:** Federal Update

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With the federal fiscal year (FFY) 2014 omnibus appropriations bill now enacted into law, Congress has turned its attention crafting budget blueprints for FFY 2015 as well as the more immediate need to once again raise the debt ceiling.

Last week, President Obama signed the farm bill into law. Other health and human services-related bills await Senate floor action.

**FFY 2014 Federal Spending Bills**

The omnibus appropriations measure enacted into law in mid-January was essentially a status-quo bill, with very few increases or cuts to programs. As in previous years, Congress rejected the administration's proposal to cut the Community Services Block Grant in half. The Temporary Assistance for Needy Families program was extended through the end of the fiscal year.

**FFY 2015 Spending Debate Begins**

Congress is now turning to the FFY 2015 budget and appropriations process. The administration announced that it would be one month late in submitting its proposed budget containing its FFY 2015 spending and policy priorities. It is now slated to be sent to Capitol Hill on March 4. The House Budget Committee is likely to begin its process before then. It is expected that the Committee will again propose to block grant Medicaid, the Supplemental Nutrition Assistance Program (SNAP) and the eliminate the Social Services Block Grant. Those proposals will once again be ignored by the House committees with jurisdiction over those programs.

The federal budget process is the first step in appropriations process. It serves as a broad blueprint for the appropriations committees to refer to when crafting the actual spending bills. As such, the budget does not go to the president for his signature.

### **Debt Ceiling Nears**

Last week, the Treasury Department announced that Congress needs to raise the debt limit by February 27 or the nation will begin defaulting on its obligations. Republican and Democratic leaders in both chambers have stated that they will not allow the U.S. to go into default and the debt ceiling will be raised before then. The actual path to doing so, however, remains uncertain. The House is slated to recess this Thursday and is returning just two days before the debt ceiling expires. House Republicans are meeting tonight to determine whether they would attach other provisions to the debt ceiling bill.

### **Health and Human Services Legislation**

**Farm Bill Enacted:** Last week, President Obama signed the farm bill into law. The law contains an \$8.6 billion SNAP cut over ten years. By comparison, the Senate-passed farm bill (S 954) would have cut SNAP by roughly \$4 billion, while the House measure (HR 2642) proposed a nearly \$40 billion reduction. The conferees accepted one SNAP cut -- restricting states' use of a nominal Low-Income Home Energy Assistance Program (LIHEAP) payment to trigger a larger SNAP benefit via the standard utility allowance deduction. To date, 16 states, including California, have employed this option by providing a LIHEAP payment as low as \$1 annually to trigger higher SNAP benefits. Under the new law, an individual could only get increased SNAP benefits if they receive a minimum of \$20 in LIHEAP benefits annually.

California began its program last year. Initial estimates from the State indicate that as many as 200,000 households could see an average reduction in benefits of about 13% or \$43 per month.

The legislation also retains provisions from the House and Senate bills that would ban SNAP eligibility for violent felons who have served their prison terms. A compromise, however, did modify the language to only ban benefits if the ex-felon violates the terms of his/her probation or other sentencing conditions. CWDA opposed the original language and has been in contact with staff to Senators Boxer and Feinstein to let them know of the potential administrative burden the modified language may place on agencies which may need to verify compliance in order to provide SNAP benefits. Both offices have pledged to work with CWDA if/when USDA drafts proposed implementing regulations.

**Emergency Unemployment Extension Stalled:** Last week, the Senate once again fell short of ending debate on an emergency unemployment bill (UI). This time, one more Republican vote was needed, but only four voted to invoke cloture. The expanded benefit program would have allowed unemployed individuals to receive up to 47 weeks of additional assistance, depending on a state's unemployment. The bill identified offsets to pay for the cost of extending UI.

Majority Leader Harry Reid (D-NV) has said that he will bring the bill to the floor again, but given the Senate defeats and the House's refusal to consider the issue at this stage, it is unlikely that such an extension will be adopted in the near future.

**Senate Adoption and CSEC Bills:** The Senate Finance Committee's *Supporting At-Risk Children Act* (S. 1870) awaits floor action. As noted in last month's update, the bill contains

a reauthorization of the Adoption Incentives Act, child welfare policy changes -- including administrative provisions addressing youth sex trafficking -- and a section containing child support provisions.

A change in Committee leadership is likely to delay action on Finance Committee legislation for a while. Senate Finance Committee Chairman Max Baucus (D-MT) was confirmed by the Senate last week to be Ambassador to China. Senator Ron Wyden (D-OR) is expected to lead the Committee.

**CWDA Submits Comments on CSEC Draft:** Last month, CWDA submitted comments on House Ways and Means Committee draft bill on the commercial sexual exploitation of children (CSEC). The comments were also shared with the California congressional delegation and the child welfare coalition headed by the Children's Defense Fund. The comments are attached.



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## MEMORANDUM

**To:** House Ways and Means Committee  
**From:** Frank J. Mecca, CWDA Executive Director  
**Date:** January 17, 2014  
**Re:** Comments on Draft Bill to Prevent Sex Trafficking

The County Welfare Directors Association of California (CWDA) welcomes the opportunity to provide comments on the draft bill, *Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act*.

CWDA represents the human service directors from each of California's 58 counties. CWDA's mission is to promote a human services system that encourages self-sufficiency of families and communities and protects vulnerable children and adults from abuse and neglect.

CWDA has identified the commercial sexual exploitation of children (CSEC) as a key programmatic and legislative priority. We've had numerous discussions on this topic with our members over the past year and highlighted the issue at a general session and workshops at our recent annual conference. We know the majority of child victims have suffered extensive abuse and trauma, many have been in some contact with the child welfare system, and that some victims are recruited directly from the very group homes they were placed in while in foster care.

We are also active members of California's Child Welfare Council whose CSEC Workgroup issued a groundbreaking report last year calling for a multi-system collaboration within California to end the commercial sexual exploitation of children. CWDA is actively engaged in the on-going discussions of the Workgroup.

Our comments on the draft legislation follow.

### **Identifying Victims, Collecting Data and Reporting Sex Trafficking**

CWDA supports the draft bill's provisions in Sections 101, 102, 104, and 301 regarding the screening of likely victims and collecting data on sex trafficking. These efforts will increase administrative costs, but the scope of the problem and estimating the amount and types of services necessary to

address it will be better known once states, counties and their community partners have more robust data.

Additionally, it is critical to establish protocols and policies for identifying at-risk youth and train child welfare staff and others so that they may respond appropriately. CWDA supports the January 1, 2016 deadline for states to put these procedures in place.

CWDA is concerned, however, that California will not have the necessary resources or administrative capacity to adopt the option in Section 101 to also screen and serve victims up to the age of 26, without regard to whether the individual was ever in the foster care system. Consequently, CWDA recommends that this requirement be limited to youth who are or who have been involved in the child welfare system up to 18 (or 21 if a State has implemented an Extended Foster Care Program, as California has).

#### **Reporting on Missing/Exploited Children**

CWDA supports Section 102 and the proposed requirement to report to law enforcement for entry into the National Crime Information Center for children who are missing/abducted who have been identified as being victims of sex trafficking. We also support additional reporting to the National Center for Missing and Exploited Children which provides resources and technical assistance to law enforcement to help find missing children and combat child sexual exploitation in local communities.

#### **Supporting Normalcy for Foster Youth**

CWDA supports Section 201, which outlines a "reasonable and prudent parent" standard so that foster youth are able to engage in age or developmentally appropriate activities with their peers. California already has implemented such a standard.

#### **Another Permanent Planned Living Arrangement (APPLA)**

We support efforts to achieve permanency for all children in care, but acknowledge that this may not be possible for all children in care due to the severe trauma of their abuse and neglect that often are a barrier that must first be addressed before a child can re-connect with another family. Oftentimes the trauma manifests in teenage years and can be compounded by other stressors in school or at home. For this reason, we request that this section allow for determinations of APPLA for youth 14 years of age and older, rather than 16 years and older. In addition, the child should be asked for their preferences on adoption and guardianship (i.e., with a relative caregiver).

#### **Youth Involvement in Case Plans**

We support ensuring youth voice in the development of case plans for children age 14 and older in Section 203. While the provision to enable children 14 years and older to opt to choose up to two members of his/her case planning team is desirable from a policy standpoint, CWDA has concerns over the increased staff time costs of identifying, notifying and scheduling the case planning meetings to accommodate additional individuals in this effort. We are concerned that the time to coordinate and ensure full participation by these supports could result in delays in creating case

plans and transition plans, and thus result in delays in court hearings and reaching permanency goals for the youth. Instead, we suggest that States/counties should seek consultation of the adult supporters, as identified by the youth, and give States discretion in how to incorporate that input from the youth's support system in case planning and permanency planning efforts, which can then be documented in those plans.

### **Documentation for Youth Exiting Care**

CWDA supports the intent of Section 204 of the draft to ensure that youth exiting care have the proper identifying documents to assist them in making a successful transition to adulthood. We support the provisions ensuring that youth receive an official birth certificate and social security card.

CWDA is concerned, however, with the option to open a low-fee or fee-free bank account for youth exiting care. There are numerous issues that must be explored and understood before this option goes into effect. For instance, would this provision apply to any child exiting care, or those emancipating from foster care, and is this provision necessary if a child is returning to their parents? Additionally, assuming that the amount of money in many of these accounts will be rather small, we are concerned whether the fees often associated with such accounts will unnecessarily deplete the youth's savings. And, what would be the initial source of the deposit amount? Because of these and other potential complications, we suggest that the provision be changed to direct the Secretary of Health and Human Services to study the issue and report findings to Congress by a date certain.

### **Section 302: Information on Children in Foster Care**

We support Section 302 to require the reporting of certain information on services provided to victims of sex trafficking, including placements. However, access to adequate resources for services, including adequate placement resources, is greatly lacking in California. Placement resources are a significant challenge as victims will often run away and it may be multiple times before a victim can safely remain in the child welfare system. It is extraordinarily difficult to find non-institutional placements for victims of sex trafficking, as foster parents fear assault by the victim's pimp and are challenged to serve this special population without significant training and support.

Resources are needed to meet victim's immediate, emergency needs when rescued, and to help them rehabilitate. For example, trafficked victims suffer from severe forms of physical abuse by their pimps that can require re-constructive medical treatment, and many are now branded (tattooed, sometimes on their forehead) to mark their relationship with their pimps. These types of services can quickly deplete available local resources. We urge the Committee to allocate federal funding to address these needs.

Thank you for the opportunity to comment on the draft bill. If you have any questions regarding our positions, please contact Tom Joseph, CWDA's Director of our Washington Office at 202.898.1446 or [tj@wafed.com](mailto:tj@wafed.com)