

A RESOLUTION

22-708

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2018

To declare the existence of an emergency with respect to the need to amend the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definitions of an abused child and a neglected child to include a victim of sex trafficking or severe forms of trafficking in persons, a commercial sex act, or sex trafficking of children.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Child Neglect and Sex Trafficking Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The Child Abuse and Prevention Treatment Act, approved January 31, 1974 (88 Stat. 5; 42 U.S.C. § 5101 *et seq.*) (“CAPTA”), provides federal funds to states and the District for child protective service programs.

(b) Section 802 of the Justice for Victims of Trafficking Act of 2015, approved May 29, 2015 (129 Stat. 263, codified in scattered cites in the U.S. Code), amended CAPTA by requiring that child welfare agencies consider a child who is a victim of sex trafficking or a victim of a severe form of trafficking in persons as a victim of “child neglect” and “sexual abuse” as a condition of receiving CAPTA funds.

(c) To maintain the District’s eligibility for CAPTA funds, the Council previously enacted the Child Neglect and Sex Trafficking Emergency Amendment Act of 2018, effective February 26, 2018 (D.C. Act 22-269; 65 DCR 2131), and the Child Neglect and Sex Trafficking Temporary Amendment Act of 2018, effective June 5, 2018 (D.C. Law 22-100; 65 DCR 3769). Those pieces of legislation amended the definitions of a “neglected child” and an “abused” child in section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2–22; D.C. Official Code § 4-1301.02), to include severe forms of trafficking in persons and sex trafficking as defined in section 103(9)(A) and (10) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(9)(A) and (10)).

(d) Because the Child Neglect and Sex Trafficking Temporary Amendment Act of 2018 expires on January 16, 2019, emergency legislation is necessary to ensure that the District maintains its compliance with the federal requirements and preserves its eligibility for CAPTA funding.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Child

ENROLLED ORIGINAL

Neglect and Sex Trafficking Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.