

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children and Families

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4. Key Words: Title IV-E of the Social Security Act, Title IV-E Plan Pre-Print; Trafficking Victims Protection Act

PROGRAM INSTRUCTION

TO: State, Tribal, and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act

SUBJECT: TITLE IV-E PLAN AMENDMENT– Public Law (P.L.) 117-348 – The Trafficking Victims Prevention and Protection Reauthorization Act of 2022

LEGAL AND RELATED REFERENCES: Title IV-E of the Social Security Act (the Act), the Trafficking Victims Prevention and Protection Reauthorization Act of 2022

PURPOSE: To provide instruction on required actions for title IV-E agencies resulting from the enactment of the Trafficking Victims Prevention and Protection Reauthorization Act of 2022.

BACKGROUND: The President signed the Trafficking Victims Prevention and Protection Reauthorization Act of 2022 ([P.L. 117-348](#)) into law on January 5, 2023. The law reauthorizes and amends the Trafficking Victims Protection Act (TVPA), and amends title IV-E plan requirements.

Title IV-E Plan Amendments

P.L. 117-348 amends section 471(a)(35)(B) of the Act to make modifications to the Title IV-E Plan to:

- require more communication and details when title IV-E agencies report missing or abducted children to law enforcement and the [National Center for Missing & Exploited Children](#) (NCMEC), which include maintaining regular communication with law enforcement and NCMEC in an effort to provide a safe recovery of a missing or abducted child or youth, including sharing information pertaining to the child's or youth's recovery and circumstances related to the recovery;
- require the report submitted to law enforcement agencies and NCMEC to include, where reasonably possible:
 - a photo of the missing or abducted child or youth,
 - a description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color, and
 - endangerment information, such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.

- The amendments to title IV-E are effective upon enactment. A delay is permitted if state or tribal legislation is required. See below.

Legislative delay

Congress provided a limited period of delay when the Secretary determines that legislation (other than legislation appropriating funds) is required for an agency to comply with the new title IV-E plan requirement. The law defines the delayed effective date for the provision as the first day of the first calendar quarter beginning after the close of the first regular session of the legislature that begins after the date of enactment of P.L. 117-348. If the state or tribe has a two-year legislative session, each year of the session is deemed to be a separate regular session of the legislature. CB defers to states and tribes on what they consider to be a “regular session” of the legislature. For example:

- CB may approve a delayed effective date of January 1, 2024 when the first regular legislative session that begins after January 5, 2023 closes during the last quarter of calendar year 2023.
- If a state has a two-year legislative cycle where the legislature does not meet in 2023, CB may approve a delayed effective date of July 1, 2024 when the first regular session that is held after January 5, 2023 begins January 2024 and closes May 2024.

INSTRUCTION:

- All title IV-E agencies must submit the “Certification of Required Legislation” (Attachment B) indicating whether or not they are requesting a delayed effective date to comply with the new title IV-E requirement in section 471(a)(35)(B) of the Act.
 - If a delayed effective date *is not* requested, the title IV-E agency must complete the Title IV-E Agency Plan Amendment (Attachment C) no later than 90 days from the issuance date of this PI (July 10, 2023).
 - If a delayed effective date *is* requested, the title IV-E agency must indicate the effective date in accordance with the definition above. The Certification of Required Legislation must be signed by the official with authority to sign the title IV-E plan, and submitted no later than 90 days from the issuance date of this PI (July 10, 2023) to the appropriate [CB Regional Program Manager](#) for approval. On or before the delayed effective date identified on the approved Certification of Required Legislation (Attachment B), the title IV-E agency must submit the appropriate plan amendment described below for approval.
- To complete Title IV-E Agency Plan Amendment (whether within 90 days of issuance of this PI or on the delayed effective date identified in Attachment B), the title IV-E agency must:
 1. submit Attachment C and record the applicable statutory, regulatory and/or policy references and citations for the affected federal requirement or, alternatively, submit the same information as described here in its own format;
 2. submit copies of referenced material noting the specific section of the material with page numbers, highlighting or other means, to document compliance for any cited statute, regulation, policy and/or procedure; and
 3. submit the plan and accompanying documentation electronically. A title IV-E agency may not substitute a hyperlink instead of providing electronic documents for its Pre-Print submission.

Inquiries To: [Children’s Bureau Regional Program Managers](#)

/s/

Rebecca Jones Gaston, MSW (she|her|hers)
Commissioner
Administration on Children, Youth,
and Families

Attachments:

A – [Public Law 117-348](#)

B – Certification of Required Legislation

C – Title IV-E Agency Plan Amendment

Disclaimer: The contents of this document do not have the force and effect of law and are not meant to bind the public in anyway, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.