

A RESOLUTION

23-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 2, 2019

To declare the existence of an emergency, due to congressional review, 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 Congressional Review Emergency Declaration Resolution of 2019”.

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 December 18, 2018 (D.C. Act 22-555; 66 DCR 259), to broaden the definitions of “neglected child” and “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 sex trafficking and severe forms of trafficking as defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 164; 22 U.S.C. § 7102(10) and (9)(A)). The Council also enacted a permanent form of this legislation through the Omnibus Public Safety and Justice Amendment Act of 2018, enacted on January 30, 2019 (D.C. Act 22-614; 66 DCR 1627). As this permanent bill will not complete congressional review until May 23, 2019, and the Child Neglect and Sex Trafficking Emergency Amendment Act of 2018 will expire on March 31, 2019, the Child Neglect and Sex Trafficking Congressional Review Emergency Amendment Act of 2019 is necessary to ensure that the District of Columbia maintains compliance with the federal requirements and its eligibility for CAPTA funding.

ENROLLED ORIGINAL

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 Neglect and Sex Trafficking Congressional Review Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.