

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 neglected child and abused to include a victim of sex trafficking or severe forms of trafficking in persons.

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) For the District to be eligible for CAPTA funds, it must enact legislation by May 29, 2017 that amends the definitions of a “neglected child” and “abused” 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

1 severe forms of trafficking as defined in section 103(10) and (9)(A) of the Trafficking  
2 Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 164; 22 U.S.C. §  
3 7102(10) and (9)(A)).

4 (d) Emergency legislation is necessary to prevent a gap in the law as the  
5 corresponding permanent legislation, Child Neglect and Sex Trafficking Amendment Act  
6 of 2017 (now known as “Omnibus Public Safety and Justice Amendment Act of 2018”),  
7 effective February 8, 2019 (D.C. Act 22-0614; 66 DCR 1627), has not completed  
8 Congressional Review and is not projected to become law until June 6, 2019.

9 (e) Emergency legislation, the Child Neglect and Sex Trafficking Emergency  
10 Amendment Act of 2018, effective January 11, 2019 (D.C. Act 22-0555; 66 DCR 259),  
11 expires on March 31, 2019.

12 November 1, 2018 (D.C. Act 22-498; 65 DCR 12327), expired on January 30, 2019.

13 (f) A congressional review emergency is necessary to ensure that the District of  
14 Columbia maintains compliance with the federal requirements and continues to be  
15 eligible for CAPTA funding.

16 Sec. 3. The Council of the District of Columbia determines that the circumstances  
17 enumerated in section 2 constitute emergency circumstances making it necessary that the  
18 Child Neglect and Sex Trafficking Emergency Amendment Act of 2018 be adopted after  
19 a single reading.

20 Sec. 4. This resolution shall take effect immediately.