

114TH CONGRESS  
1ST SESSION

# H. R. 2068

To ensure the safety and well-being of adopted children.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2015

Mr. LANGEVIN (for himself, Mr. WITTMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. CÁRDENAS, Ms. MOORE, Mr. CICILLINE, and Ms. BASS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To ensure the safety and well-being of adopted children.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ADOPTION SUPPORT SERVICES.**

4 (a) ENSURING WELL-BEING OF ADOPTED CHILDREN  
5 AND ADOPTIVE FAMILIES.—Section 421 of the Social Se-  
6 curity Act (42 U.S.C. 621) is amended—

7 (1) in paragraph (4), by striking “and” at the  
8 end;

1           (2) by redesignating paragraph (5) as para-  
2           graph (6); and

3           (3) by inserting after paragraph (4) the fol-  
4           lowing new paragraph:

5           “(5) ensuring the well-being of adopted children  
6           and their adoptive families and promoting efforts to  
7           prevent such children from entering the foster care  
8           system through the provision of pre- and post-adop-  
9           tive support services; and”.

10          (b) PRE- AND POST-ADOPTIVE SUPPORT SERV-  
11          ICES.—Paragraph (8) of section 431(a) of such Act (42  
12          U.S.C. 629a(a)) is amended to read as follows:

13                 “(8) ADOPTION PROMOTION AND SUPPORT  
14          SERVICES.—

15                 “(A) IN GENERAL.—The term ‘adoption  
16                 promotion and support services’ means services  
17                 and activities designed to encourage more adop-  
18                 tions out of the foster care system and support  
19                 domestic adoptions and adoptions from other  
20                 countries, consistent with promoting the best  
21                 interests of adopted children and their adoptive  
22                 families. Such services and activities may in-  
23                 clude pre- and post-adoptive support services,  
24                 as described in subparagraph (B), that are de-

1 signed to support adopted children and their  
2 adoptive families.

3 “(B) PRE- AND POST-ADOPTIVE SUPPORT  
4 SERVICES.—The term ‘pre- and post-adoptive  
5 support services’ means the following:

6 “(i) Pre-adoptive support services,  
7 which may include—

8 “(I) direct services, including  
9 training, educational support, coun-  
10 seling, case management, and other  
11 services for adoptive parents and fam-  
12 ilies that address caregiver interests  
13 and concerns regarding common be-  
14 havioral issues, such as—

15 “(aa) issues relating to emo-  
16 tional, behavioral, or develop-  
17 mental health needs;

18 “(bb) issues relating to at-  
19 tachment, identity, abandonment,  
20 cultural differences, grief, and  
21 loss;

22 “(cc) issues resulting from  
23 birth defects due to fetal alcohol  
24 syndrome or any other substance

1 abuse-related developmental dis-  
2 order;

3 “(dd) the conditions that a  
4 child is being adopted from, and  
5 how this will influence the child’s  
6 emotional and social develop-  
7 ment; and

8 “(ee) the child’s background  
9 information (non-identifying and  
10 identifying when needed or when  
11 agreed upon in an open adop-  
12 tion), including information from  
13 family, agency, court, school,  
14 mental health, and medical files;

15 “(II) the provision of educational  
16 resources for adoptive parents regard-  
17 ing the geographic, ethnic, and cul-  
18 tural background of the adopted child;

19 “(III) peer-to-peer mentoring and  
20 support groups that permit a newly  
21 adoptive parent to communicate and  
22 learn from more experienced adoptive  
23 parents, including programs that en-  
24 hance communication between adop-  
25 tive parents with children of similar

1 geographic, ethnic, or cultural back-  
2 grounds; and

3 “(IV) the provision of informa-  
4 tional resources for adoptive parents,  
5 including—

6 “(aa) resources available  
7 through Federal and State agen-  
8 cies, including information re-  
9 garding benefits for children with  
10 a medical condition or a physical,  
11 mental, or emotional disability;

12 “(bb) newsletters, Web sites,  
13 and other informational resources  
14 regarding adoption-related serv-  
15 ices;

16 “(cc) the establishment of  
17 lending libraries containing infor-  
18 mation and resources for adop-  
19 tive parents; and

20 “(dd) conferences, parent  
21 support discussion groups, and  
22 seminars that are available to  
23 adoptive parents and other rel-  
24 evant stakeholders.

1           “(ii) Post-adoptive support services,  
2           which may include—

3                   “(I) continued provision to adop-  
4                   tive parents of pre-adoptive support  
5                   services described in clause (i);

6                   “(II) the provision of accessible  
7                   and reliable respite services for adop-  
8                   tive parents;

9                   “(III) direct services and coun-  
10                  seling for adopted child and family,  
11                  including, as appropriate—

12                          “(aa) support services for an  
13                          adopted child with emotional, be-  
14                          havioral, or developmental health  
15                          needs;

16                          “(bb) support services that  
17                          address issues relating to attach-  
18                          ment, identity, abandonment, cul-  
19                          tural differences, grief, and loss;  
20                          and

21                          “(cc) treatment services that  
22                          are specialized for adopted chil-  
23                          dren, including psychiatric resi-  
24                          dential services, outpatient men-  
25                          tal health services, social skills

1 training, intensive in-home super-  
2 vision services, recreational ther-  
3 apy, suicide prevention, and sub-  
4 stance abuse treatment;

5 “(IV) peer-to-peer mentoring and  
6 support groups that allow adopted  
7 children to communicate and socialize  
8 with other adopted children, including  
9 programs that provide for communica-  
10 tion between adopted children from  
11 similar geographic, ethnic, or cultural  
12 backgrounds; and

13 “(V) crisis and family preserva-  
14 tion services, including respite care  
15 and crisis counseling and a 24-hour  
16 emergency hotline for adoptive par-  
17 ents.”.

18 **SEC. 2. FEDERAL GRANT PROGRAM FOR POST-ADOPTION**

19 **MENTAL HEALTH SERVICES.**

20 Subpart 3 of part B of title V of the Public Health  
21 Service Act (42 U.S.C. 290bb–3 et seq.) is amended by  
22 adding at the end the following:

1 **“SEC. 520L. POST-ADOPTION MENTAL HEALTH SERVICES.**

2       “(a) IN GENERAL.—The Secretary, acting through  
3 the Administrator, shall award grants or cooperative  
4 agreements to eligible entities to—

5           “(1) develop and implement Statewide or tribal  
6 post-adoption mental health service programs for all  
7 adopted children;

8           “(2) support public organization and private  
9 nonprofit organizations actively involved in State-  
10 wide or tribal post-adoption mental health service  
11 programs;

12           “(3) collect and analyze data on State-spon-  
13 sored Statewide or tribal post-adoption mental  
14 health service programs that can be used to monitor  
15 the effectiveness of such services and for research,  
16 technical assistance, and policy development;

17           “(4) develop and provide educational and train-  
18 ing opportunities concerning the mental health needs  
19 of adopted children and their families for use by  
20 teachers, social workers, and other community men-  
21 tal health service providers; and

22           “(5) develop and provide materials for potential  
23 adoptive parents, both for domestic adoptions and  
24 adoptions from other countries, describing the pos-  
25 sible need for post-adoption mental health services  
26 and available resources.



1 “(b) ELIGIBLE ENTITY.—

2 “(1) DEFINITION.—In this section, the term  
3 ‘eligible entity’ means—

4 “(A) a State;

5 “(B) a public organization or private non-  
6 profit organization designated by a State to de-  
7 velop or direct the State-sponsored Statewide  
8 post-adoption mental health service program  
9 under a grant under this section; and

10 “(C) a Federally recognized Indian tribe or  
11 tribal organization (as defined in the Indian  
12 Self-Determination and Education Assistance  
13 Act (25 U.S.C. 450 et seq.)) or an urban In-  
14 dian organization (as defined in the Indian  
15 Health Care Improvement Act (25 U.S.C. 1601  
16 et seq.)) that is actively involved in the develop-  
17 ment and continuation of a post-adoption men-  
18 tal health service program.

19 “(2) LIMITATION.—In carrying out this section,  
20 the Secretary shall ensure that each State is award-  
21 ed only 1 grant or cooperative agreement under this  
22 section. For purposes of the preceding sentence, a  
23 State shall be considered to have been awarded a  
24 grant or cooperative agreement if the eligible entity  
25 involved is the State or an entity designated by the

1 State under paragraph (1)(B). Nothing in this para-  
2 graph shall be construed to apply to entities de-  
3 scribed in paragraph (1)(C).

4 “(c) PREFERENCE.—In providing assistance under a  
5 grant or cooperative agreement under this section, the  
6 Secretary shall give preference to eligible entities that have  
7 demonstrated success in increasing the level of adoption  
8 competency among mental health providers, adoption law-  
9 yers, social workers, case workers, and adoptive parents.

10 “(d) REQUIREMENT FOR DIRECT SERVICES.—Not  
11 less than 85 percent of funds received under a grant or  
12 cooperative agreement under this section shall be used to  
13 provide direct services, of which not less than 5 percent  
14 shall be used for activities authorized under subsection  
15 (a)(3).

16 “(e) COORDINATION AND COLLABORATION.—

17 “(1) IN GENERAL.—In carrying out this sec-  
18 tion, the Secretary shall collaborate with relevant  
19 Federal agencies and adoption-related working  
20 groups to promote interaction between domestic fos-  
21 ter care agencies and private adoption agencies in  
22 other countries.

23 “(2) CONSULTATION.—In carrying out this sec-  
24 tion, the Secretary shall consult with—

1           “(A) State and social service agencies en-  
2           gaged in the placement of children for adoption,  
3           domestically or from other countries;

4           “(B) local and national organizations that  
5           serve foster and adopted youth;

6           “(C) health and education specialists who  
7           focus on adoption and foster care medicine;

8           “(D) youth who have been in foster care or  
9           adopted, domestically or from other countries;

10          “(E) families and friends of youth who  
11          have been in foster care or adopted, domesti-  
12          cally or from other countries; and

13          “(F) qualified professionals who possess  
14          the specialized knowledge, skills, experience,  
15          and relevant attributes needed to serve adopted  
16          children and their families.

17          “(3) POLICY DEVELOPMENT.—In carrying out  
18          this section, the Secretary shall—

19                 “(A) coordinate and collaborate on policy  
20                 development with the Administration for Chil-  
21                 dren and Families and other relevant Depart-  
22                 ment of Health and Human Services agencies  
23                 and adoption-related working groups; and

24                 “(B) consult on policy development at the  
25                 Federal level with those in the private sector

1 engaged in the recruitment of foster and adop-  
2 tive parents, the placement of children in foster  
3 care and for adoption, and the provision of  
4 post-adoption services.

5 “(f) EVALUATION AND REPORT.—

6 “(1) EVALUATIONS BY ELIGIBLE ENTITIES.—  
7 Not later than 18 months after receipt of a grant or  
8 cooperative agreement under this section, an eligible  
9 entity shall submit to the Secretary the results of an  
10 evaluation to be conducted by the entity concerning  
11 the effectiveness of the activities carried out under  
12 the grant or agreement.

13 “(2) REPORT.—Not later than 2 years after the  
14 date of enactment of this section, the Secretary shall  
15 submit to the appropriate committees of Congress a  
16 report concerning the results of—

17 “(A) the evaluations conducted under  
18 paragraph (1); and

19 “(B) an evaluation conducted by the Sec-  
20 retary to analyze the effectiveness and efficacy  
21 of the activities conducted with grants, collabo-  
22 rations, and consultations under this section.

23 “(g) DEFINITIONS.—In this section:

24 “(1) ADOPTED CHILD.—The term ‘adopted  
25 child’ means an individual who is under 21 years of

1 age and was adopted from foster care, through a  
2 private placement agency, or from another country.

3 “(2) ADOPTION COMPETENCY.—The term  
4 ‘adoption competency’ means an understanding of—

5 “(A) the nature of adoption as a form of  
6 family formation and the different types of  
7 adoption;

8 “(B) relevant emotional and physical  
9 issues involved in the adoption process, includ-  
10 ing issues relating to separation, loss, attach-  
11 ment, abuse, trauma, and neglect;

12 “(C) common developmental challenges as-  
13 sociated with adoption;

14 “(D) the characteristics and skills that  
15 allow for successful adoptive families;

16 “(E) proper sensitivity with respect to the  
17 different geographic, ethnic, or cultural back-  
18 grounds of adopted children and adoptive fami-  
19 lies; and

20 “(F) the necessary skills for effectively ad-  
21 vocating on behalf of birth and adoptive fami-  
22 lies.

23 “(3) POST-ADOPTION MENTAL HEALTH SERV-  
24 ICES.—The term ‘post-adoption mental health serv-  
25 ices’ includes—

1           “(A) adoption competent mental health di-  
2           rect services, including training, educational  
3           support, counseling, and other services for  
4           adoptive parents and families that address care-  
5           giver interests and concerns regarding child be-  
6           havioral issues that are common among adopted  
7           children and children in foster care, including,  
8           as appropriate—

9                   “(i) caring for an adopted child with  
10                  emotional, behavioral, or developmental  
11                  health needs; and

12                   “(ii) providing for the emotional needs  
13                  of an adopted child, including issues relat-  
14                  ing to attachment, identity, abandonment,  
15                  cultural differences, grief, and loss;

16           “(B) peer-to-peer mentoring and support  
17           groups that permit a newly adoptive parent to  
18           communicate and learn from more experienced  
19           adoptive parents;

20           “(C) the provision of informational re-  
21           sources and available services for adoptive par-  
22           ents;

23           “(D) direct services, including counseling,  
24           peer-to-peer mentoring and support groups, and  
25           other services for adopted children that address

1 common behavioral and adjustment issues, in-  
2 cluding, as appropriate—

3 “(i) support services for an adopted  
4 child with emotional, behavioral, or devel-  
5 opmental health needs;

6 “(ii) support services that address the  
7 emotional needs of an adopted child, in-  
8 cluding issues relating to attachment, iden-  
9 tity, abandonment, cultural differences,  
10 grief, and loss; and

11 “(iii) treatment services that are spe-  
12 cialized for adopted children, including  
13 psychiatric residential services, outpatient  
14 mental health services, social skills train-  
15 ing, intensive in-home supervision services,  
16 recreational therapy, suicide prevention,  
17 and substance abuse treatment;

18 “(E) peer-to-peer mentoring and support  
19 groups that allow adopted children to commu-  
20 nicate and socialize with other adopted children;  
21 and

22 “(F) crisis intervention and family preser-  
23 vation services.

24 “(h) FUNDING FOR POST-ADOPTION MENTAL  
25 HEALTH SERVICES.—From amounts appropriated to

1 carry out titles III, V, or XIX of the Public Health Service  
2 Act for each fiscal year, \$20,000,000 shall be used by the  
3 Secretary in each such fiscal year to fund services and  
4 programs authorized under this section.”.

5 **SEC. 3. DATA COLLECTION ON ADOPTION DISRUPTION AND**  
6 **DISSOLUTION.**

7 (a) IN GENERAL.—Section 479 of the Social Security  
8 Act (42 U.S.C. 679) is amended by adding at the end the  
9 following new subsection:

10 “(e)(1) Not later than 12 months after the date of  
11 enactment of this subsection, the Secretary shall, as part  
12 of the data collection system established under this sec-  
13 tion, promulgate final regulations providing for the collec-  
14 tion and analysis of information regarding children who  
15 enter into State custody as a result of the disruption of  
16 a placement for adoption or the dissolution of an adoption,  
17 which shall require States to collect and report—

18 “(A) information on children who are adopted  
19 within the United States or from other countries and  
20 who enter into State custody as a result of the dis-  
21 ruption of a placement for adoption or the dissolu-  
22 tion of an adoption, including—

23 “(i) the number of children who enter into  
24 State custody as a result of the dissolution of  
25 an adoption; and



1 “(ii) for each child identified under clause

2 (i)—

3 “(I) as applicable, the country of birth  
4 for any child who was not born in the  
5 United States;

6 “(II) the reason for the disruption or  
7 dissolution; and

8 “(III) the agencies who handled the  
9 placement for adoption; and

10 “(B) such other information as determined ap-  
11 propriate by the Secretary.

12 “(2) The regulations shall require a State that re-  
13 ports the information described in paragraph (1) to use  
14 the information—

15 “(A) to consolidate and expand the collection of  
16 information on adoption disruption and dissolution;

17 “(B) to improve research and data collection  
18 systems in order to more accurately determine and  
19 measure the rates, outcomes, and causes of adoption  
20 disruption and dissolution;

21 “(C) to identify pre- and post-adoptive support  
22 services (including services described in section  
23 431(a)(8)(B)) that result in lower rates of disrup-  
24 tion and dissolution of adoptions;

1           “(D) to develop an understanding of the rela-  
2           tionship between the rate of incidence of adoption  
3           disruptions and dissolutions and the support services  
4           that are provided to adoptive families in order to  
5           identify and develop effective evidence-based strate-  
6           gies, programs, and support services that help to  
7           prevent adoption disruption and dissolution; and

8           “(E) to develop and enhance training and edu-  
9           cational services regarding strategies for prevention  
10          of adoption disruption and dissolution.

11          “(3)(A) Not later than 6 months after the date of  
12          enactment of this subsection, the Secretary shall, subject  
13          to subparagraph (B), establish an advisory committee to  
14          study methods to effectively collect data regarding disrup-  
15          tion and dissolution of adoptions that are not included in  
16          the data collection system established under this section,  
17          including—

18                 “(i) data on children whose adoptions are dis-  
19                 rupted or dissolved but do not enter into State cus-  
20                 tody as a result of such disruption or dissolution;

21                 “(ii) data on adoption displacements, whereby  
22                 an adopted child is temporarily placed out of the  
23                 home of an adoptive parent in order to receive med-  
24                 ical, mental health, behavioral, or other forms of  
25                 treatment; and

1           “(iii) such other data as determined appropriate  
2           by the Secretary.

3           “(B) The membership and organization of the advi-  
4           sory committee described in subparagraph (A) shall be de-  
5           termined by the Secretary and shall include—

6           “(i) State and child welfare agencies that are  
7           engaged in the placement of children for adoption  
8           domestically or from other countries;

9           “(ii) local and national organizations that serve  
10          adopted children and children in foster care; and

11          “(iii) members of State and local judiciary and  
12          court staff.

13          “(C) Not later than 12 months after establishment  
14          of the advisory committee described in subparagraph (A),  
15          the Secretary shall submit to the appropriate committees  
16          of Congress a report containing recommendations of the  
17          advisory committee for improvement of the data collection  
18          system established under this section.”.

19          (b) ANNUAL REPORT.—Section 479A of the Social  
20          Security Act (42 U.S.C. 679b) is amended—

21                 (1) in paragraph (6), by striking “and” after  
22                 the semicolon;

23                 (2) in paragraph (7), by striking the period at  
24                 the end and inserting “; and”; and

1           (3) by adding at the end the following new  
2 paragraph:

3           “(8) include in the report submitted pursuant  
4 to paragraph (5) for fiscal year 2016 or any suc-  
5 ceeding fiscal year, national and State-by-State data  
6 on the numbers and rates of disruptions and dissolu-  
7 tions of adoptions, as collected pursuant to section  
8 479(e)(1).”.

9 **SEC. 4. EXPANSION OF DEFINITION OF CHILD EXPLOI-**  
10 **TATION.**

11       Paragraph (1) of section 2 of the PROTECT Our  
12 Children Act of 2008 (42 U.S.C. 17601(1)) is amended  
13 by inserting before the period at the end the following:  
14 “, or the offer to engage or engaging in the transfer of  
15 permanent custody or control of a minor in contravention  
16 of a required legal procedure”.

○