

111TH CONGRESS
1ST SESSION

S. 1458

To encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2009

Ms. LANDRIEU (for herself and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans.

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. SHORT TITLE.**

4 This Act may be cited as the “Families for Orphans
5 Act of 2009”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) A child who grows up in a permanent fam-
2 ily in an atmosphere of happiness, love, and under-
3 standing has the best opportunity for the full and
4 harmonious development of his or her potential.

5 (2) The right of a child to grow up in a safe,
6 loving, and permanent relationship with a respon-
7 sible adult is a basic human right.

8 (3) The safety and well-being of children should
9 be the paramount concern of child welfare policies
10 and programs.

11 (4) As stated in the United Nations Programme
12 for the International Year of the Family (1994),
13 “the family provides the natural framework for the
14 emotional, financial, and material support essential
15 to the growth and development of its members, par-
16 ticularly infants and children.”.

17 (5) Cost benefit analysis data shows that effec-
18 tive, high quality interventions to improve parenting
19 skills and reduce child maltreatment save between
20 \$2 and \$8 for every dollar spent.

21 (6) Despite the good efforts of countless gov-
22 ernments and nongovernmental organizations, mil-
23 lions of children remain outside of the protection,
24 permanency, safety, and love of a family. Without
25 the care of a family, these children are forced to live

1 on the streets, in child-headed households, or in in-
2 stitutions.

3 (7) According to UNICEF, there are more than
4 132,000,000 orphans worldwide. Unless immediate
5 action is taken, the number of orphans is expected
6 to increase over time.

7 (8) According to Dr. Dana Johnson at the Uni-
8 versity of Minnesota, lack of stimulation and con-
9 sistent caregivers, suboptimal nutrition and physical
10 and sexual abuse all conspire to delay and some-
11 times preclude normal development, speech acqui-
12 sition, and attainment of necessary social skills. Chil-
13 dren lose 1 month of linear growth for every 3
14 months in an orphanage.

15 (9) Research indicates that infants who do not
16 receive touching, holding, and stimulation fail to
17 thrive and may suffer life-affecting physical and
18 emotional stressors, if not death.

19 (10) Although governments throughout the
20 world are seeking models for preventing institu-
21 tionalization and finding permanent families for or-
22 phaned children, many lack the resources or infra-
23 structure to adequately address this need.

24 (11) As a result of its efforts to protect its chil-
25 dren from abuse and neglect, the United States has

1 amassed a vast body of research, policy, and the pro-
2 fessional capacity to promote safety, permanency,
3 and well-being for children and youth so they can
4 become healthy and successful adults.

5 (12) Despite the fact that the United States in-
6 vests \$300,000,000,000 annually in international aid
7 programs that are improving the health, safety, and
8 well-being of children throughout the world, it is un-
9 clear how much of this funding is used to support
10 the preservation and reunification of families or the
11 provision of permanent parental care.

12 (13) Greater coordination is needed between
13 Federal bureaus and agencies with an interest in or-
14 phan care policy. Such efforts would be greatly as-
15 sisted by the development of a comprehensive global
16 strategy for providing permanent parental care for
17 orphans.

18 (14) Despite the United States' interest in de-
19 veloping a comprehensive global strategy for pro-
20 viding permanent parental care for orphans, the
21 United States lacks a clear, dedicated, diplomatic
22 authority to represent these interests.

23 (b) PURPOSES.—The purposes of this Act are to—

24 (1) provide the infrastructure and resources
25 necessary for the United States to develop and im-

1 plement a comprehensive, global strategy for the
2 preservation and reunification of families and the
3 provision of permanent parental care for orphans;

4 (2) streamline and coordinate United States
5 policies and programs related to the preservation
6 and reunification of families and the provision of
7 permanent parental care for orphans;

8 (3) encourage and assist foreign governments in
9 the development and implementation of effective
10 child welfare policies, systems, and programs that
11 preserve and reunify families and provide permanent
12 parental care for orphans;

13 (4) ensure that all aid efforts receiving funding
14 from the United States recognize and support the
15 need for the preservation and reunification of fami-
16 lies and the provision of permanent parental care for
17 orphans; and

18 (5) build global awareness of the need for the
19 preservation and reunification of families and the
20 provision of permanent parental care for orphans.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **ADOPTION SUPPORT SERVICES.**—The term
24 “adoption support services” means services and ac-
25 tivities designed to encourage adoption that is deter-

1 mined to be in the best interests of children, includ-
2 ing—

3 (A) pre- and post-adoption services; and

4 (B) activities designed to expedite the
5 adoption process and support adoptive families.

6 (2) DEINSTITUTIONALIZATION.—The term “de-
7 institutionalization” means the process of safely
8 moving youth from institutions to—

9 (A) permanent parental care; or

10 (B) temporary alternatives designed to
11 lead to permanent parental care.

12 (3) FAMILY AT RISK OF DISSOLUTION.—The
13 term “family at risk of dissolution” means a family
14 under circumstances which—

15 (A) compromise the health, safety, and
16 well-being of minor, dependent children to an
17 extent that the parental caregivers may be com-
18 pelled to voluntarily or involuntarily forfeit
19 care, parental rights, or custody of such chil-
20 dren; or

21 (B) are likely to cause the parents to aban-
22 don or relinquish rights to minor, dependent
23 children.

24 (4) FAMILY PRESERVATION.—The term “family
25 preservation” means services for children and fami-

1 lies designed to promote the safety and well-being of
2 children and families and to help families (at risk or
3 in crisis, including community-based family support,
4 social, therapeutic, and financial programs and serv-
5 ices designed to—

6 (A) enable families to provide safe, perma-
7 nent, and nurturing care to their children; and

8 (B) strengthen and support families who
9 are at risk of dissolution, separation, or domes-
10 tic violence.

11 (5) INSTITUTION.—The term “institution”
12 means—

13 (A) an orphanage;

14 (B) a children’s home;

15 (C) a boarding school for orphans;

16 (D) a shelter;

17 (E) a residential facility;

18 (F) a hospital;

19 (G) a dormitory;

20 (H) long-term foster care; and

21 (I) any other setting in which permanent
22 parental care is not being provided to the child.

23 (6) INSTITUTIONALIZED CHILD.—The term “in-
24 stitutionalized child” means a child who—

25 (A) is younger than 21 years of age; and

1 (B) lives in an institution.

2 (7) LEGAL GUARDIANSHIP.—The term “legal
3 guardianship” means a legally recognized relation-
4 ship between a child and a caretaker, which is in-
5 tended to be permanent and is evidenced by the
6 transfer to the caretaker of parental rights with re-
7 spect to the child, including the rights of protection,
8 education, custody, and decisionmaking.

9 (8) LEGAL KINSHIP.—The term “legal kinship”
10 means a legally recognized relationship between a
11 child and a relative, which is intended to be perma-
12 nent and is evidenced by the transfer to a relative
13 of parental rights with respect to the child, including
14 the rights of protection, education, custody, and de-
15 cisionmaking.

16 (9) ORPHAN.—The term “orphan” means any
17 child—

18 (A) who lacks permanent parental care be-
19 cause of the death, the disappearance of, or the
20 legal, permanent relinquishment of such child
21 by both parents;

22 (B) who is living in the care and custody
23 of an institution;

24 (C) whose biological parents’ rights have
25 been legally terminated; or

1 (D) whose country of origin has deter-
2 mined that the child lacks permanent parental
3 care.

4 (10) PERMANENT PARENTAL CARE.—The term
5 “permanent parental care”—

6 (A) means a legally recognized relationship
7 between an adult and a child who is younger
8 than 21 years of age, which is life-long and pro-
9 vides a caring, safe, stable physical environ-
10 ment;

11 (B) includes—

12 (i) domestic and international adop-
13 tion;

14 (ii) legal guardianship; and

15 (iii) legal kinship; and

16 (C) does not include temporary or long-
17 term foster care, institutionalization, or men-
18 toring.

19 (11) REUNIFICATION.—The term “reunifica-
20 tion” means time-limited services and activities pro-
21 vided to an orphan in order to facilitate the safe and
22 timely reunification of the child and parent.

1 **SEC. 4. OFFICE FOR ORPHAN POLICY DIPLOMACY AND DE-**
2 **VELOPMENT.**

3 (a) ESTABLISHMENT.—There is established within
4 the Department of State the Office for Orphan Policy Di-
5 plomacy and Development (referred to in this section as
6 the “Office”), which shall promote and support—

7 (1) the preservation and reunification of fami-
8 lies; and

9 (2) the provision of permanent parental care for
10 orphans.

11 (b) COORDINATOR.—

12 (1) APPOINTMENT.—The Office shall be headed
13 by the Coordinator for Orphan Policy Diplomacy
14 and Development (referred to in this section as the
15 “Coordinator”), who shall be appointed by the Presi-
16 dent.

17 (2) QUALIFICATIONS.—To the extent possible,
18 the Coordinator shall be an individual with back-
19 ground and experience in the development of perma-
20 nency related policies and systems.

21 (3) DUTIES.—The Coordinator shall—

22 (A) oversee and coordinate—

23 (i) all programs and duties authorized
24 in this Act; and

1 (ii) all other activities that the United
2 States Government conducts in furtherance
3 of the purposes of this Act; and

4 (B) carry out the functions described in
5 subsection (c).

6 (4) AUTHORITY.—The Coordinator shall report
7 directly to the Secretary of State.

8 (c) FUNCTIONS.—

9 (1) ADVISORY.—Unless otherwise specified in
10 law, the Coordinator shall serve as the primary advi-
11 sor to the Secretary of State and the President in
12 all matters related to—

13 (A) global family preservation and reunifi-
14 cation; and

15 (B) the provision of permanent parental
16 care for orphans.

17 (2) DIPLOMATIC REPRESENTATION.—

18 (A) IN GENERAL.—Subject to the direction
19 of the President and the Secretary of State, the
20 Coordinator shall represent the United States
21 in matters and cases relevant to family preser-
22 vation, reunification, and permanent parental
23 care in—

24 (i) contacts with foreign governments,
25 nongovernmental organizations, intergov-

1 ernmental agencies, and specialized agen-
2 cies of the United Nations and other inter-
3 national organizations of which the United
4 States is a member;

5 (ii) multilateral conferences and meet-
6 ings relevant to family preservation, reuni-
7 fication, and permanent parental care for
8 orphaned children; and

9 (iii) fulfillment of the diplomatic re-
10 sponsibilities designated to the central au-
11 thority under title I of the Intercountry
12 Adoption Act of 2000 (42 U.S.C. 14911 et
13 seq.).

14 (B) WAIVER.—The Secretary of State may
15 waive the requirements under subparagraph (A)
16 if—

17 (i) representation by the Coordinator
18 would interfere with the Secretary’s con-
19 stitutional duty to represent the United
20 States; or

21 (ii) representation by another high
22 level official would be more appropriate or
23 beneficial.

24 (3) POLICY DEVELOPMENT.—

1 (A) IN GENERAL.—The Coordinator
2 shall—

3 (i) advise and support the Secretary
4 of State in the development of a com-
5 prehensive, global strategy to promote the
6 preservation and reunification of families
7 and the provision of permanent parental
8 care for orphans; and

9 (ii) advise and support foreign govern-
10 ments with the development of sound pol-
11 icy regarding—

12 (I) the preservation and reunifi-
13 cation of families; and

14 (II) the provision of permanent
15 parental care for orphans.

16 (B) BEST PRACTICES.—In developing poli-
17 cies under this Act, the Coordinator shall iden-
18 tify and engage the best practices in family
19 preservation, reunification, and permanent pa-
20 rental care derived from a wide variety of do-
21 mestic and global policy and practice leaders.

22 (C) CULTURAL SENSITIVITY.—In devel-
23 oping policies under this Act, the Coordinator
24 shall take into account cultural norms for each

1 country to the extent consistent with the overall
2 purposes of this Act.

3 (D) PRINCIPLE OF SUBSIDIARITY.—In de-
4 veloping policies and programs under this Act,
5 the Coordinator shall—

6 (i) attempt to reunify children with
7 their families before pursuing adoption,
8 legal kinship, legal guardianship, or domes-
9 tic adoption; and

10 (ii) ensure that reasonable efforts are
11 made to provide permanent parental care
12 domestically before internationally.

13 (E) TECHNICAL ASSISTANCE.—The Coor-
14 dinator shall provide technical assistance to for-
15 eign countries to help build their capacities to
16 strengthen family preservation, reunification,
17 and permanent parental care policies, services,
18 and practices, including—

19 (i) assistance with the drafting, dis-
20 seminating, and implementing of legisla-
21 tion for family preservation and reunifica-
22 tion and the provision of permanent paren-
23 tal care;

24 (ii) assistance with the development of
25 systems designed to support family preser-

1 vation, reunification, and permanent pa-
2 rental care for institutionalized orphans;

3 (iii) assistance with the establishment
4 of public, private, and faith- and commu-
5 nity-based partnerships designed to sup-
6 port the preservation and reunification of
7 families and permanent parental care for
8 orphans;

9 (iv) assistance with the development
10 of workforce training for governmental and
11 nongovernmental staff working to support
12 the preservation and reunification of fami-
13 lies and permanent parental care for or-
14 phans; and

15 (v) assistance with infrastructure de-
16 velopment and data collection techniques
17 necessary to—

18 (I) support the biennial census
19 required under paragraph (6)(A);

20 (II) collect permanency indicators
21 described in paragraph (6)(B);

22 (III) collect the data necessary to
23 determine to what extent countries
24 meet the minimum standards de-
25 scribed in section 6; and

1 (IV) organizing exchanges for
2 child welfare, adoption, and other so-
3 cial service professionals working to
4 support the preservation and reunifi-
5 cation of families and permanent pa-
6 rental care for orphans.

7 (F) PRESERVATION OF THE FAMILY AND
8 PERMANENT PARENTAL CARE CONFERENCE.—
9 In fiscal year 2011, and every 2 years there-
10 after, the Secretary of State shall—

11 (i) conduct a conference on best prac-
12 tices and successful strategies for the pres-
13 ervation and reunification of families and
14 the provision of permanent parental care
15 for orphans;

16 (ii) share and address key issues rel-
17 ative to—

18 (I) the most current biennial cen-
19 sus data collected under paragraph
20 (6)(A);

21 (II) the permanency indicator
22 data collected under paragraph
23 (6)(B); and

1 (III) the data collected from the
2 Global Best Practices Pilot Program
3 under section 7(c); and

4 (iii) disseminate information regard-
5 ing—

6 (I) best practices for building
7 country and regional capacity to de-
8 crease the number of orphans;

9 (II) strategies for financially sus-
10 taining activities to support family
11 preservation and reunification and
12 permanent parental care;

13 (III) best practices in inter-
14 national adoption and in preventing
15 corruption; and

16 (IV) best methods and practices
17 for assessing progress and quality for
18 moving children into permanent pa-
19 rental care in a safe and timely man-
20 ner.

21 (4) COORDINATION.—

22 (A) IN GENERAL.—The Office shall coordi-
23 nate the foreign policy and assistance of the
24 United States in support of—

25 (i) families at risk of dissolution; and

1 (ii) orphans in need of permanent pa-
2 rental care.

3 (B) COORDINATION BETWEEN DOMESTIC
4 AND INTERNATIONAL POLICY.—To the extent
5 possible, the Coordinator shall work with the
6 Secretary of Health and Human Services to
7 maintain consistency between United States
8 foreign and domestic policy on family preserva-
9 tion and reunification and permanent parental
10 care.

11 (5) COMMUNICATION.—

12 (A) IN GENERAL.—The Office shall build
13 global awareness of its purpose and activities.

14 (B) WEB SITE.—To carry out subpara-
15 graph (A), the Office shall maintain a Web site
16 that includes—

17 (i) a description of the global prob-
18 lems related to orphans and children in in-
19 stitutional and temporary nonfamily care;

20 (ii) the status of activities being car-
21 ried out by the Office;

22 (iii) the progress made by the Office
23 to achieve its goals;

1 (iv) current research, reports, policy,
2 training opportunities, evaluation, and
3 methodology describing best practices;

4 (v) information collected by the bien-
5 nial census under paragraph (6)(A);

6 (vi) permanency indicators collected
7 under paragraph (6)(B);

8 (vii) the annual report submitted to
9 Congress under paragraph (6)(C);

10 (viii) the status of site results for the
11 study of global best practices conducted
12 under section 7(c)(1);

13 (ix) requests for proposals, grant or
14 contract awards, amounts, purposes, and
15 lessons learned during implementation; and

16 (x) a summary of the scope and
17 progress of country projects funded by the
18 Office.

19 (6) REPORTS, RESEARCH, AND ASSESS-
20 MENTS.—

21 (A) BIENNIAL CENSUS OF CHILDREN
22 WITHOUT PERMANENT PARENTAL CARE.—

23 (i) IN GENERAL.—Not later than De-
24 cember 31, 2010, and every 2 years there-
25 after, the Office shall develop, oversee,

1 support, and publish the results of a cen-
2 sus of all children who live outside perma-
3 nent parental care. The census shall enu-
4 merate the number of children, categorized
5 by sex and age, who reside in—

6 (I) a public or private orphanage;

7 (II) a hospital or other medical
8 institution or treatment facility;

9 (III) temporary or long-term
10 family-based foster care;

11 (IV) a group home;

12 (V) a residential or congrega-
13 tional facility, regardless of the avail-
14 ability of treatment services;

15 (VI) kinship care without legal
16 status or the presence of adult family
17 members; or

18 (VII) a dormitory or other per-
19 manent or temporary living situation
20 in which a government or nongovern-
21 mental organization places children
22 who do not have parental care.

23 (ii) CENSUS COUNTRIES.—The data
24 collected under clause (i) shall include all
25 member countries of the United Nations.

1 (iii) DELEGATION.—The Coordinator
2 may delegate the responsibility for con-
3 ducting the census to a third party if—

4 (I) such party has expertise in
5 human or social services and inter-
6 national quantitative data collection
7 and analysis; and

8 (II) such a delegation is con-
9 sistent with the purposes set forth in
10 section 2(b).

11 (B) PERMANENCY INDICATORS FOR CHIL-
12 DREN WITHOUT PERMANENT PARENTAL
13 CARE.—

14 (i) IN GENERAL.—The Office shall
15 collect available data related to a series of
16 policy and practice indicators on the capac-
17 ity of foreign governments to offer perma-
18 nent parental care as an option for or-
19 phaned children.

20 (ii) DATA.—Data collected under
21 clause (i) shall include—

22 (I) the number of families pro-
23 vided preservation services and the
24 number of such families that re-

1 mained intact after receiving such
2 services;

3 (II) the number of children in in-
4 stitutions who were reunified with
5 their respective families;

6 (III) the number of children
7 placed in a permanent family through
8 domestic adoption and the living situ-
9 ation of such children before such per-
10 manent placement;

11 (IV) the number of children who
12 were placed in a permanent family
13 through legal guardianship and their
14 living situation before such permanent
15 placement;

16 (V) the number of children who
17 were placed in a permanent family
18 through international adoption and
19 the living situation of such children
20 before such permanent placement;

21 (VI) the number of children who
22 were placed in legal or informal kin-
23 ship care and their placement pre-kin-
24 ship care;

1 (VII) the number of children who
2 moved from temporary foster care to
3 long-term foster care;

4 (VIII) the number of children
5 who reentered institutional care after
6 moving into permanent parental care;
7 and

8 (IX) the length of time children
9 are spending in institutional care or
10 foster care.

11 (iii) DELEGATION.—The Coordinator
12 may delegate the responsibility for col-
13 lecting data on permanency indicators
14 under this paragraph to a third party if—

15 (I) the third party has expertise
16 in human or social services and inter-
17 national quantitative data collection;
18 and

19 (II) such a delegation is con-
20 sistent with the purposes set forth in
21 section 2(b).

22 (iv) CONSULTATION.—The Coordi-
23 nator may consult with representatives of
24 the Millennium Challenge Corporation, the
25 Department of Homeland Security, the

1 United States Agency for International
2 Development, the Department of Health
3 and Human Services, the United Nations,
4 UNICEF, the World Health Organization,
5 and other aid- or child welfare-related net-
6 works and organizations to—

7 (I) identify and expand existing
8 reporting networks; and

9 (II) refine common definitions of
10 indicators.

11 (v) UNITED STATES INDICATORS.—

12 The Secretary of Health and Human Serv-
13 ices shall provide the Coordinator with the
14 information required to be collected under
15 this paragraph relating to individuals and
16 families residing in the United States.

17 (vi) REPORT.—Not later than Decem-
18 ber 31, 2011, and every 2 years thereafter,
19 the Office shall publish a report that in-
20 cludes the data described in clause (ii).

21 (C) ANNUAL REPORT TO CONGRESS.—Not
22 later than September 1 of each year, the Sec-
23 retary of State shall submit to Congress an an-
24 nual report that includes—

- 1 (i) a description of the global status of
2 orphans;
- 3 (ii) a description of the activities of
4 the Office in support of family preservation
5 and reunification and permanent parental
6 care for orphans;
- 7 (iii) estimates from the most recent
8 biennial census of the number of children
9 living without permanent parental care;
- 10 (iv) a description of the status of fam-
11 ily preservation, reunification, and perma-
12 nent parental care initiatives underway in
13 each foreign country receiving financial as-
14 sistance under this Act;
- 15 (v) a description of—
- 16 (I) the major challenges faced by
17 governments that are resulting in an
18 increase in the numbers of orphans;
19 and
- 20 (II) barriers which are preventing
21 governments from achieving perma-
22 nent parental care for orphans;
- 23 (vi) trends in increasing or decreasing
24 risks for orphans and families at risk of
25 dissolution;

1 (vii) a listing of the governments that
2 do not meet the minimum standards de-
3 scribed in section 6(a);

4 (viii) trends toward improvement in
5 family preservation and reunification;

6 (ix) trends in domestic and inter-
7 national adoption, foster care, and institu-
8 tional care;

9 (x) the most current permanency indi-
10 cators described in subparagraph (B); and

11 (xi) movement toward implementation
12 of permanency-related laws and conven-
13 tions.

14 (7) GRANTS.—The Office shall oversee the pro-
15 vision of technical and financial assistance, including
16 grants, pilot programs, and demonstrations, to gov-
17 ernments and nongovernmental organizations to pro-
18 mote family preservation, reunification, and perma-
19 nent parental care for orphans.

20 **SEC. 5. POLICY COORDINATING COMMITTEE IN SUPPORT**
21 **OF ORPHAN POLICY, DIPLOMACY, AND DE-**
22 **VELOPMENT.**

23 (a) ESTABLISHMENT.—The President shall establish
24 an interagency policy coordinating committee (referred to
25 in this section as the “Policy Coordinating Committee”),

1 which shall monitor and support international efforts in
2 family preservation, family reunification, and permanent
3 parental care for orphans.

4 (b) APPOINTMENT.—The President shall appoint the
5 members of the Policy Coordinating Committee, which
6 shall include—

7 (1) the Secretary of State, who shall serve as
8 Chair;

9 (2) the Administrator of the United States
10 Agency for International Development;

11 (3) the Attorney General;

12 (4) the Secretary of Health and Human Serv-
13 ices;

14 (5) the Secretary of Homeland Security; and

15 (6) any other Government official appointed by
16 the President.

17 (c) ACTIVITIES OF COMMITTEE.—The Policy Coordi-
18 nating Committee shall provide advice to the Office for
19 Orphan Policy Diplomacy and Development regarding—

20 (1) the development of a comprehensive global
21 strategy that is consistent with the minimum stand-
22 ards described in section 103(a);

23 (2) financial support of programs that assist
24 countries in developing child welfare systems that—

25 (A) preserve and reunify families; and

1 (B) provide permanent parental care for
2 orphans.

3 (3) advocacy efforts with governments, non-
4 governmental organizations, and other entities to ad-
5 vance the purposes set forth in section 2(b); and

6 (4) the collection of data through significant re-
7 search on family preservation, reunification, and per-
8 manent parental care methods for orphans.

9 (d) WORKING GROUPS.—Members of the Policy Co-
10 ordinating Committee may create small working groups
11 within their respective agencies to support and advise their
12 work on behalf of the Policy Coordinating Committee.

13 **SEC. 6. MINIMUM STANDARDS FOR THE PROVISION OF**
14 **PERMANENT PARENTAL CARE.**

15 (a) MINIMUM STANDARDS.—A country meets the
16 minimum standards for the provision of permanent paren-
17 tal care by a partner country if—

18 (1) the government of the country has laws,
19 practices, and judicial standards that—

20 (A) protect children from abuse and ne-
21 glect;

22 (B) are aimed at reducing the number of
23 abandoned children;

24 (C) are aimed at preserving families at
25 risk of dissolution;

1 (D) are aimed at safely and appropriately
2 reunifying orphans and institutionalized chil-
3 dren with their families;

4 (E) promote legal guardianship and kin-
5 ship care;

6 (F) promote domestic adoption;

7 (G) allow for international adoption; and

8 (H) promote the physical and emotional
9 well-being and protection of children while they
10 are waiting for reunification or placement with
11 a permanent family;

12 (2) the government of the country is—

13 (A) keeping a significant percentage of
14 families at risk of dissolution intact;

15 (B) reuniting a significant percentage of
16 orphans and institutionalized children with bio-
17 logical families and relatives; and

18 (C) moving a significant percentage of or-
19 phans into permanent parental care in situa-
20 tions in which the orphans cannot be reunified
21 with their families; and

22 (3) the numbers of children aging out of insti-
23 tutions or foster care in such country is decreasing
24 by a significant percentage each year.

1 (b) CRITERIA.—A country is eligible for assistance
2 from the Office for Orphan Policy Diplomacy and Devel-
3 opment under this Act if the government of the country—

4 (1) publicly acknowledges the need for family
5 preservation, reunification, and permanent parental
6 care for orphans; and

7 (2) demonstrates a commitment to develop im-
8 proved laws, policies, infrastructure, and training
9 programs to preserve and reunify families and pro-
10 vide permanent parental care for orphans by—

11 (A) developing formal strategic plans to
12 develop laws and infrastructure to address
13 shortcomings related to meeting the minimum
14 standards described in subsection (a);

15 (B) allocating resources to study the issues
16 described in subparagraph (A); or

17 (C) expending or setting aside sufficient
18 funds to help build child welfare and judicial in-
19 frastructure and enact laws to address short-
20 comings related to meeting such minimum
21 standards.

22 **SEC. 7. GRANT, PILOT, AND DEVELOPMENT PROGRAMS.**

23 (a) ASSISTANCE TO FOREIGN GOVERNMENTS.—
24 Chapter 1 of part I of the Foreign Assistance Act of 1961
25 (22 U.S.C. 2151 et seq.) is amended—

1 (1) by redesignating section 135, as added by
2 section 5(a) of Public Law 109–121, as section 137;
3 and

4 (2) by inserting after section 135, as added by
5 section 3 of Public Law 109–95, the following:

6 **“SEC. 136. ASSISTANCE TO FOREIGN GOVERNMENTS.**

7 “(a) ASSISTANCE TO MEET MINIMUM STAND-
8 ARDS.—The President is authorized to provide assistance
9 to foreign countries directly, or through nongovernmental
10 and multilateral organizations, for programs, projects, and
11 activities designed to assist the country to meet the min-
12 imum standards described in section 6(a) of the Families
13 for Orphans Act of 2009.

14 “(b) ASSISTANCE TO FOREIGN GOVERNMENTS THAT
15 MEET MINIMUM STANDARDS.—

16 “(1) IN GENERAL.—The President is author-
17 ized to provide assistance, including trade and debt
18 relief, to any foreign country that demonstrates suc-
19 cess in meeting the majority of the minimum stand-
20 ards and other goals described in paragraph (2).

21 “(2) PLAN.—The government of a country de-
22 siring assistance under this subsection shall dem-
23 onstrate a commitment to meeting the minimum
24 standards described in section 6(a) of the Families
25 for Orphans Act of 2009 by independently, or with

1 assistance from the Office for Orphan Policy Diplo-
 2 macy and Development, developing—

3 “(A) a detailed, long-term strategic plan
 4 for meeting such minimum standards and re-
 5 lated long-range goals; and

6 “(B) a 1-year or 2-year operational plan
 7 that describes the immediate steps that the for-
 8 eign government will take toward meeting such
 9 minimum standards.”.

10 (b) ASSISTANCE IN SUPPORT OF FAMILY PRESERVA-
 11 TION AND PERMANENT PARENTAL CARE FOR OR-
 12 PHANS.—

13 (1) IN GENERAL.—The Secretary of State is
 14 authorized to award grants to nongovernmental
 15 agencies working to promote permanent parental
 16 care for orphans, in accordance with the results of
 17 the global best practices study conducted under sub-
 18 section (c).

19 (2) USE OF FUNDS.—Grants received under
 20 this subsection may be used to—

21 (A) improve public policy in support of the
 22 preservation and reunification of families and
 23 permanent parental care for orphans;

24 (B) reduce the number of children aban-
 25 doned;

1 (C) reduce the number of families at risk
2 of dissolution;

3 (D) increase the number of children reuni-
4 fied with their parents;

5 (E) increase the number of children ob-
6 taining legal guardianship and kinship care;

7 (F) increase the number of children placed
8 for adoption domestically;

9 (G) support international adoption for chil-
10 dren who cannot be adopted domestically, or re-
11 unified with their biological parents;

12 (H) draft laws and develop systems de-
13 signed to promote ethical, evidence-based prac-
14 tice in international adoption;

15 (I) increase the level of expertise and un-
16 derstanding of foreign governments working to
17 preserve and reunify families and promote per-
18 manent parental care for orphans;

19 (J) create and support connections with
20 caring, committed adults to older children at
21 risk of, or in the process of, aging out of insti-
22 tutional care;

23 (K) develop mentoring, visitation, and fos-
24 ter adopt programs aimed at recruiting a larger

1 number of individuals willing to provide perma-
2 nent parental care for orphans;

3 (L) increase adoption support services; and

4 (M) create and improve child welfare and
5 judicial infrastructures, which strengthen and
6 support permanent family care for orphans.

7 (3) ELIGIBILITY CRITERIA.—To the extent pos-
8 sible, grants shall be awarded under this subsection
9 to organizations that have demonstrated—

10 (A) experience in the area of child welfare
11 and judicial policy, family preservation, reunifi-
12 cation, and permanent parental care for or-
13 phans;

14 (B) success in working with the in-country
15 governmental agencies responsible for care of
16 children; and

17 (C) adherence to the child welfare laws of
18 the foreign government in which such organiza-
19 tions are located.

20 (c) GLOBAL BEST PRACTICES.—

21 (1) STUDY ON GLOBAL BEST PRACTICES.—

22 (A) IN GENERAL.—Not later than 90 days
23 after the date of the enactment of this Act, the
24 Secretary of State shall initiate a study to iden-
25 tify global best practices for—

- 1 (i) preserving and reunifying families;
2 and
3 (ii) providing permanent parental care
4 for orphans.

5 (B) IDENTIFICATION OF FACTORS.—In
6 conducting the study under subparagraph (A),
7 the Secretary shall identify—

8 (i) evidence-based programs that are
9 demonstrated to provide permanent paren-
10 tal care in a timely manner;

11 (ii) policies and practices that result
12 in increased deinstitutionalization of chil-
13 dren;

14 (iii) laws of other countries that re-
15 quire and support permanent parental
16 care;

17 (iv) factors that decrease the dissolu-
18 tion of families; and

19 (v) best practices for promoting eth-
20 ical international adoption practices.

21 (C) REPORT.—Not later than 1 year after
22 initiating the study under this paragraph, the
23 Secretary shall publish a report on the best
24 practices identified in the study.

1 (D) USE OF STUDY RESULTS.—The Sec-
2 retary shall use the results of the study con-
3 ducted under this paragraph to guide and in-
4 form—

5 (i) the award of all grants under this
6 Act; and

7 (ii) all activities in the global best
8 practices pilot program carried out under
9 paragraph (2).

10 (2) GLOBAL BEST PRACTICES PILOT PRO-
11 GRAM.—

12 (A) IN GENERAL.—Upon completing the
13 study described in paragraph (1), the Secretary
14 of State shall establish and carry out a global
15 best practices pilot program.

16 (B) PURPOSES.—The purposes of the pro-
17 gram established pursuant to subparagraph (A)
18 shall be to—

19 (i) demonstrate how research-based
20 policies and programs to provide orphans
21 with permanent parental care can be suc-
22 cessfully implemented;

23 (ii) establish model programs that,
24 once tested for effectiveness, will be avail-

1 able, replicable, and adaptable on a global
2 basis;

3 (iii) identify a comprehensive series of
4 interventions, which result in family pres-
5 ervation, reunification, and permanent pa-
6 rental care for orphans; and

7 (iv) determine which in-country fac-
8 tors enhance or negate efforts to achieve
9 family preservation, reunification, and per-
10 manent parental care for orphans.

11 (C) SELECTION OF SITES.—

12 (i) NUMBER OF SITES.—In carrying
13 out the pilot program established under
14 this paragraph, the Secretary of State
15 shall select and establish not fewer than 5
16 sites, each of which shall be located in a
17 different region of the world.

18 (ii) PRIORITIES.—In selecting sites
19 under clause (i), the Secretary shall con-
20 sider—

21 (I) cultural, geographic, and eco-
22 nomic diversity of countries included
23 in the region;

24 (II) whether governments within
25 the region have sufficient infrastruc-

1 ture and capacity to support the pilot
2 program; and

3 (III) the incidence of abandoned
4 children and children in institutional
5 care in the region and culture.

6 (iii) DELEGATION.—The Coordinator
7 for Orphan Policy Diplomacy and Develop-
8 ment may delegate implementation of the
9 pilot program under this paragraph to 1 or
10 more organizations that have experience in
11 the use of evidence-based programs to pro-
12 mote family preservation, reunification, or
13 permanent parental care for orphans.

14 (iv) ANNUAL REPORT.—Not later
15 than 1 year after the date on which the
16 first pilot program is established under
17 this paragraph, and each subsequent year,
18 the Coordinator shall publish a report on
19 the status of, and lessons learned in, the
20 pilot program.

21 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

22 (1) OPERATIONS.—There are authorized to be
23 appropriated for the administrative costs associated
24 with carrying out the duties of the Office for Orphan
25 Policy Diplomacy and Development—

1 (A) \$3,000,000 for fiscal year 2010; and

2 (B) such sums as may be necessary for
3 each subsequent fiscal year.

4 (2) ASSISTANCE TO FOREIGN GOVERNMENTS.—

5 There are authorized to be appropriated for assist-
6 ance to foreign governments under section 136 of
7 the Foreign Assistance Act of 1961—

8 (A) \$5,000,000 for fiscal year 2010; and

9 (B) such sums as may be necessary for
10 each subsequent fiscal year.

11 (3) GRANTS TO SUPPORT PERMANENT PAREN-

12 TAL CARE.—There is authorized to be appropriated
13 for grants under section 7(b)—

14 (A) \$5,000,000 for fiscal year 2010; and

15 (B) such sums as may be necessary for
16 each subsequent fiscal year.

17 (4) GLOBAL BEST PRACTICES PILOT PRO-

18 GRAM.—There are authorized to be appropriated to
19 the Secretary of State to carry out section 7(c)—

20 (A) \$3,000,000 for fiscal year 2010; and

21 (B) such sums as may be necessary for
22 each subsequent fiscal year.

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