

111TH CONGRESS
2D SESSION

S. 3726

To enhance pre- and post-adoptive support services.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Ms. KLOBUCHAR (for herself, Ms. LANDRIEU, Mr. BROWNBACK, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To enhance pre- and post-adoptive support services.

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 “Supporting Adoptive
5 Families Act”.

6 **SEC. 2. ADOPTION SUPPORT SERVICES.**

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

10 (1) in paragraph (4), by striking “and” at the
11 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.—

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, and other services for adoptive
11 parents and families that address
12 caregiver interests and concerns re-
13 garding common behavioral issues,
14 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; and

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 “(II) the provision of educational
4 resources for adoptive parents regard-
5 ing the geographic, ethnic, and cul-
6 tural background of the adopted child;

7 “(III) peer-to-peer mentoring and
8 support groups that permit a newly
9 adoptive parent to communicate and
10 learn from more experienced adoptive
11 parents, including programs that en-
12 hance communication between adop-
13 tive parents with children of similar
14 geographic, ethnic, or cultural back-
15 grounds; and

16 “(IV) the provision of informa-
17 tional resources for adoptive parents,
18 including—

19 “(aa) resources available
20 through Federal and State agen-
21 cies, including information re-
22 garding benefits for children with
23 a medical condition or a physical,
24 mental, or emotional disability;

1 “(bb) newsletters, websites,
2 and other informational resources
3 regarding adoption-related serv-
4 ices;

5 “(cc) the establishment of
6 lending libraries containing infor-
7 mation and resources for adop-
8 tive parents; and

9 “(dd) conferences, discus-
10 sion groups, and seminars that
11 are available to adoptive parents
12 and other relevant stakeholders.

13 “(ii) Post-adoptive support services,
14 which may include—

15 “(I) continued provision to adop-
16 tive parents of pre-adoptive support
17 services described in clause (i);

18 “(II) the provision of accessible
19 and reliable respite services for adop-
20 tive parents;

21 “(III) direct services and coun-
22 seling for adopted children, including,
23 as appropriate—

24 “(aa) support services for an
25 adopted child with emotional, be-

1 “(V) crisis and family preserva-
2 tion services, including crisis coun-
3 seling and a 24-hour emergency hot-
4 line for adoptive parents.”.

5 **SEC. 3. FUNDING FOR ADOPTION SUPPORT SERVICES.**

6 Paragraph (8) of section 473(a) of the Social Secu-
7 rity Act (42 U.S.C. 673(a)) is amended to read as follows:

8 “(8) With respect to the amount of savings (if
9 any) in State expenditures under this part resulting
10 from the application of paragraph (2)(A)(ii) to all
11 applicable children for a fiscal year, a State shall—

12 “(A) spend a significant portion of such
13 amount to provide pre- and post-adoptive sup-
14 port services (as defined in section
15 431(a)(8)(B));

16 “(B) spend the remainder of such amount
17 to provide to children or families any other
18 services that may be provided under this part
19 or part B; and

20 “(C) on an annual basis, submit to the
21 Secretary a report that provides a detailed ac-
22 count of any services that were funded pursuant
23 to this paragraph.”.

1 **SEC. 4. FEDERAL GRANT PROGRAM FOR POST ADOPTION**2 **MENTAL HEALTH SERVICES.**

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

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

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

10 “(1) develop and implement State-sponsored
11 Statewide or tribal post-adoption mental health serv-
12 ice programs for all adopted children;

13 “(2) support public organization and private
14 nonprofit organizations actively involved in State-
15 sponsored Statewide or tribal post-adoption mental
16 health service programs;

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

22 “(4) develop and provide educational and train-
23 ing opportunities concerning the mental health needs
24 of adopted children and their families for use by
25 teachers, social workers, and other community men-
26 tal health service providers; and

1 “(5) develop and provide materials for potential
2 adoptive parents, both for domestic adoptions and
3 adoptions from other countries, describing the pos-
4 sible need for post-adoption mental health services
5 and available resources.

6 “(b) ELIGIBLE ENTITY.—

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

9 “(A) a State;

10 “(B) a public organization or private non-
11 profit organization designated by a State to de-
12 velop or direct the State-sponsored Statewide
13 post-adoption mental health service program
14 under a grant under this section; and

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

24 “(2) LIMITATION.—In carrying out this section,
25 the Secretary shall ensure that each State is award-

1 ed only 1 grant or cooperative agreement under this
2 section. For purposes of the preceding sentence, a
3 State shall be considered to have been awarded a
4 grant or cooperative agreement if the eligible entity
5 involved is the State or an entity designated by the
6 State under paragraph (1)(B). Nothing in this para-
7 graph shall be construed to apply to entities de-
8 scribed in paragraph (1)(C).

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

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

21 “(e) COORDINATION AND COLLABORATION.—

22 “(1) IN GENERAL.—In carrying out this sec-
23 tion, the Secretary shall collaborate with relevant
24 Federal agencies and adoption-related working
25 groups to promote interaction between domestic fos-

1 ter care agencies and private adoption agencies in
2 other countries.

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

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

8 “(B) local and national organizations that
9 serve foster and adopted youth;

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

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

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

17 “(F) qualified professionals who possess
18 the specialized knowledge, skills, experience,
19 and relevant attributes needed to serve adopted
20 children and their families.

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

23 “(A) coordinate and collaborate on policy
24 development with the Administration for Chil-
25 dren and Families and other relevant Depart-

3 “(B) consult on policy development at the
4 Federal level with those in the private sector
5 engaged in the recruitment of foster and adop-
6 tive parents, the placement of children in foster
7 care and for adoption, and the provision of
8 post-adoption services.

9 "(f) EVALUATION AND REPORT.—

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

17 “(2) REPORT.—Not later than 2 years after the
18 date of enactment of this section, the Secretary shall
19 submit to the appropriate committees of Congress a
20 report concerning the results of—

21 “(A) the evaluations conducted under
22 paragraph (1); and

1 of the activities conducted with grants, collabora-
2 tions, and consultations under this section.

3 “(g) DEFINITIONS.—In this section:

4 “(1) ADOPTED CHILD.—The term ‘adopted
5 child’ means an individual who is under 21 years of
6 age and was adopted from foster care, through a
7 private placement agency, or from another country.

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

10 “(A) the nature of adoption as a form of
11 family formation and the different types of
12 adoption;

13 “(B) relevant emotional and physical
14 issues involved in the adoption process, includ-
15 ing issues relating to separation, loss, attach-
16 ment, abuse, trauma, and neglect;

17 “(C) common developmental challenges as-
18 sociated with adoption;

19 “(D) the characteristics and skills that
20 allow for successful adoptive families;

21 “(E) proper sensitivity with respect to the
22 different geographic, ethnic, or cultural back-
23 grounds of adopted children and adoptive fami-
24 lies; and

1 “(F) the necessary skills for effectively ad-
2 vocating on behalf of birth and adoptive fami-
3 lies.

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

7 “(A) direct services, including training,
8 educational support, counseling, and other serv-
9 ices for adoptive parents and families that ad-
10 dress caregiver interests and concerns regarding
11 child behavioral issues that are common among
12 adopted children and children in foster care, in-
13 cluding, as appropriate—

14 “(i) caring for an adopted child with
15 emotional, behavioral, or developmental
16 health needs; and

17 “(ii) providing for the emotional needs
18 of an adopted child, including issues relat-
19 ing to attachment, identity, abandonment,
20 cultural differences, grief, and loss;

21 “(B) peer-to-peer mentoring and support
22 groups that permit a newly adoptive parent to
23 communicate and learn from more experienced
24 adoptive parents;

1 “(C) the provision of informational re-
2 sources and available services for adoptive par-
3 ents;

4 “(D) direct services, including counseling,
5 peer-to-peer mentoring and support groups, and
6 other services for adopted children that address
7 common behavioral and adjustment issues, in-
8 cluding, as appropriate—

9 “(i) support services for an adopted
10 child with emotional, behavioral, or devel-
11 opmental health needs;

12 “(ii) support services that address the
13 emotional needs of an adopted child, in-
14 cluding issues relating to attachment, iden-
15 tity, abandonment, cultural differences,
16 grief, and loss; and

17 “(iii) treatment services that are spe-
18 cialized for adopted children, including
19 psychiatric residential services, outpatient
20 mental health services, social skills train-
21 ing, intensive in-home supervision services,
22 recreational therapy, suicide prevention,
23 and substance abuse treatment;

24 “(E) peer-to-peer mentoring and support
25 groups that allow adopted children to commu-

1 nicate and socialize with other adopted children;

2 and

3 “(F) crisis intervention and family preser-

4 vation services.

5 “(h) FUNDING FOR POST-ADOPTION MENTAL

6 HEALTH SERVICES.—From amounts appropriated to

7 carry out titles III, V, or XIX of the Public Health Service

8 Act for each fiscal year, \$20,000,000 shall be used by the

9 Secretary in each such fiscal year to fund services and

10 programs authorized under this section.”.

11 **SEC. 5. DATA COLLECTION ON ADOPTION DISRUPTION AND**
12 **DISSOLUTION.**

13 (a) IN GENERAL.—Section 479 of the Social Security

14 Act (42 U.S.C. 679) is amended by adding at the end the

15 following new subsection:

16 “(d)(1) Not later than 12 months after the date of

17 enactment of the Supporting Adoptive Families Act, the

18 Secretary shall, as part of the data collection system es-

19 tablished under this section, promulgate final regulations

20 providing for the collection and analysis of information re-

21 garding children who enter into State custody as a result

22 of the disruption of a placement for adoption or the dis-

23 solution of an adoption, which shall require States to col-

24 lect and report—

1 “(A) information on children who are adopted
2 within the United States or from other countries and
3 who enter into State custody as a result of the dis-
4 ruption of a placement for adoption or the dissolu-
5 tion of an adoption, including—

6 “(i) the number of children who enter into
7 State custody as a result of—

8 “(I) the disruption of placement for
9 adoption; or

10 “(II) the dissolution of an adoption;
11 and

12 “(ii) for each child identified under clause
13 (i)—

14 “(I) as applicable, the country of birth
15 for any child who was not born in the
16 United States;

17 “(II) the length of the adoption place-
18 ment prior to disruption or dissolution;

19 “(III) the age of the child at the time
20 of the disruption or dissolution;

21 “(IV) the reason for the disruption or
22 dissolution; and

23 “(V) the agencies who handled the
24 placement for adoption; and

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

3 “(2) The information described in paragraph (1)
4 shall be used—

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

7 “(B) to improve research and data collection
8 systems in order to more accurately determine and
9 measure the rates, outcomes, and causes of adoption
10 disruption and dissolution;

11 “(C) to identify pre- and post-adoptive support
12 services (including services described in section
13 431(a)(8)(B)) that result in lower rates of disrup-
14 tion and dissolution of adoptions;

15 “(D) to develop an understanding of the rela-
16 tionship between the rate of incidence of adoption
17 disruptions and dissolutions and the support services
18 that are provided to adoptive families in order to
19 identify and develop effective evidence-based strate-
20 gies, programs, and support services that help to
21 prevent adoption disruption and dissolution; and

22 “(E) to develop and enhance training and edu-
23 cational services regarding strategies for prevention
24 of adoption disruption and dissolution.

1 “(3) Pursuant to the review of State programs under
2 section 1123A, the Secretary shall review the process em-
3 ployed by each State for collection and reporting of the
4 information described in paragraph (1).

5 “(4)(A) Not later than 6 months after the date of
6 enactment of the Supporting Adoptive Families Act, the
7 Secretary shall, subject to subparagraph (B), establish an
8 advisory committee to study methods to effectively collect
9 data regarding disruption and dissolution of adoptions
10 that are not included in the data collection system estab-
11 lished under this section, including—

12 “(i) data on children whose adoptions are
13 disrupted or dissolved but do not enter into
14 State custody as a result of such disruption or
15 dissolution;

16 “(ii) data on adoption displacements,
17 whereby an adopted child is temporarily placed
18 out of the home of an adoptive parent in order
19 to receive medical, mental health, behavioral, or
20 other forms of treatment; and

21 “(iii) such other data as determined appro-
22 priate by the Secretary.

23 “(B) The membership and organization of the
24 advisory committee described in subparagraph (A)

1 shall be determined by the Secretary and shall in-
2 clude—

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

6 “(ii) local and national organizations that
7 serve adopted children and children in foster
8 care; and

9 “(iii) members of State and local judiciary
10 and court staff.

11 “(C) Not later than 12 months after establish-
12 ment of the advisory committee described in sub-
13 paragraph (A), the Secretary shall submit to the ap-
14 propriate committees of Congress a report con-
15 taining recommendations of the advisory committee
16 for improvement of the data collection system estab-
17 lished under this section.”.

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

20 (1) in paragraph (5), by striking “and” after
21 the semicolon;

22 (2) in paragraph (6), by striking the period at
23 the end and inserting “; and”

24 (3) by adding at the end the following new
25 paragraph:

1 “(7) include in the report submitted pursuant
2 to paragraph (5) for fiscal year 2011 or any suc-
3 ceeding fiscal year, national and State-by-State data
4 on the numbers and rates of disruptions and dissolu-
5 tions of adoptions, as collected pursuant to section
6 479(d)(1).”.

○