

116TH CONGRESS
1ST SESSION

H. R. 3909

To amend subpart 2 of part B of title IV of the Social Security Act to authorize grants to eligible entities to develop and implement statewide or tribal post-adoption and post-legal guardianship mental health service programs for all children who are adopted or placed in legal guardianship, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Mr. LANGEVIN (for himself, Ms. BASS, and Mr. BACON) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend subpart 2 of part B of title IV of the Social Security Act to authorize grants to eligible entities to develop and implement statewide or tribal post-adoption and post-legal guardianship mental health service programs for all children who are adopted or placed in legal guardianship, and for other purposes.

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 Adopted
5 Children and Families Act of 2019”.

1 **SEC. 2. FEDERAL GRANT PROGRAM FOR POST-ADOPTION**
2 **AND POST-LEGAL GUARDIANSHIP MENTAL**
3 **HEALTH SERVICES.**

4 Section 437 of the Social Security Act (42 U.S.C.
5 629g) is amended by adding at the end the following:

6 “(h) POST-ADOPTION AND POST-LEGAL GUARDIAN-
7 SHIP MENTAL HEALTH SERVICES.—

8 “(1) IN GENERAL.—The Secretary, acting
9 through the Administration for Children and Fami-
10 lies, shall award grants or cooperative agreements to
11 eligible entities to—

12 “(A) develop and implement statewide or
13 tribal post-adoption and post-legal guardianship
14 mental health service programs for all children
15 who are adopted or placed in legal guardianship
16 and their families;

17 “(B) support public organization and pri-
18 vate nonprofit organizations actively involved in
19 statewide or tribal post-adoption and post-legal
20 guardianship mental health service programs;

21 “(C) collect and analyze data on State-
22 sponsored statewide or tribal post-adoption and
23 post-legal guardianship mental health service
24 programs that can be used to monitor the effec-
25 tiveness of such services and for research, tech-
26 nical assistance, and policy development;

1 “(D) develop and provide adoption and
2 legal guardianship competent educational and
3 training opportunities concerning the mental
4 health needs of children who are adopted or
5 placed in legal guardianship, and their families,
6 for use by teachers, social workers, and other
7 community mental health service providers;

8 “(E) develop and provide materials for po-
9 tential adoptive parents and legal guardians,
10 both for children who already reside in the
11 United States at the time of the adoption or
12 placement in legal guardianship and for those
13 who at such time reside in other countries, de-
14 scribing the possible need for post-adoption and
15 post-legal guardianship mental health services
16 and available resources;

17 “(F) develop and provide respite care serv-
18 ices for adoptive and legal guardian families;
19 and

20 “(G) support research on, and development
21 of, promising practices (as defined in section
22 471(e)(4)(C)(iii)) for post-adoption and post-
23 legal guardianship mental health services.

24 “(2) ELIGIBLE ENTITY.—

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

3 “(i) a State;

4 “(ii) a public organization or private
5 nonprofit organization designated by a
6 State to develop or direct the State-spon-
7 sored statewide post-adoption and post-
8 legal guardianship mental health service
9 program under a grant under this sub-
10 section; and

11 “(iii) a federally recognized Indian
12 tribe or tribal organization (as defined in
13 the Indian Self-Determination and Edu-
14 cation Assistance Act (25 U.S.C. 450 et
15 seq.)) or an urban Indian organization (as
16 defined in the Indian Health Care Im-
17 provement Act (25 U.S.C. 1601 et seq.))
18 that is actively involved in the development
19 and continuation of a post-adoption and
20 post-legal guardianship mental health serv-
21 ice program.

22 “(B) LIMITATION.—In carrying out this
23 subsection, the Secretary shall ensure that each
24 State is awarded only 1 grant or cooperative
25 agreement under this subsection. For purposes

1 of the preceding sentence, a State shall be con-
2 sidered to have been awarded a grant or cooper-
3 ative agreement if the eligible entity involved is
4 the State or an entity designated by the State
5 under subparagraph (A)(ii). Nothing in this
6 subparagraph shall be construed to apply to en-
7 tities described in subparagraph (A)(iii).

8 “(3) PREFERENCE.—In providing assistance
9 under a grant or cooperative agreement under this
10 subsection, the Secretary shall give preference to—

11 “(A) eligible entities that have dem-
12 onstrated success in increasing the level of
13 adoption and legal guardianship competency
14 among mental health providers, adoption and
15 legal guardianship lawyers, social workers, case
16 workers, adoptive parents, and legal guardians;
17 and

18 “(B) eligible entities that plan to partner
19 with their State mental health agency in car-
20 rying out the activities for which the grant or
21 cooperative agreement is made.

22 “(4) REQUIREMENT FOR DIRECT SERVICES.—
23 Not less than 85 percent of funds received under a
24 grant or cooperative agreement under this sub-
25 section shall be used to provide direct services, of

1 which not less than 5 percent shall be used for ac-
2 tivities authorized under paragraph (1)(C).

3 “(5) COORDINATION AND COLLABORATION.—

4 “(A) IN GENERAL.—In carrying out this
5 subsection, the Secretary shall collaborate with
6 relevant Federal agencies and adoption and
7 legal guardianship-related working groups to
8 promote interaction between domestic foster
9 care agencies and private adoption agencies in
10 other countries.

11 “(B) CONSULTATION.—In carrying out
12 this subsection, the Secretary shall consult
13 with—

14 “(i) State and social service agencies
15 engaged in the placement of children for
16 adoption, domestically or from other coun-
17 tries;

18 “(ii) local and national organizations
19 that serve foster and adopted youth and
20 youth placed in legal guardianship;

21 “(iii) health and education specialists
22 who focus on adoption, legal guardianship,
23 and foster care medicine;

24 “(iv) youth who have been in foster
25 care, adopted, or in legal guardianship, do-

1 mestically or from other countries, includ-
2 ing youth who have experienced adoption
3 or guardianship disruptions or dissolutions;

4 “(v) families and friends of youth who
5 have been in foster care, adopted, or in
6 legal guardianship, domestically or from
7 other countries, including foster and adop-
8 tive parents and legal guardians; and

9 “(vi) qualified professionals who pos-
10 sess the specialized knowledge, skills, expe-
11 rience, and relevant attributes needed to
12 serve children who are adopted or placed in
13 legal guardianship and their families.

14 “(C) POLICY DEVELOPMENT.—In carrying
15 out this subsection, the Secretary shall—

16 “(i) coordinate and collaborate on pol-
17 icy development with other relevant De-
18 partment of Health and Human Services
19 agencies and adoption and legal guardian-
20 ship-related working groups; and

21 “(ii) consult on policy development at
22 the Federal level with those in the private
23 sector engaged in the recruitment of foster
24 and adoptive parents and legal guardians,
25 the placement of children in foster care,

1 for adoption, and in legal guardianship,
2 and the provision of post-adoption and
3 post-legal guardianship services.

4 “(6) EVALUATION AND REPORT.—

5 “(A) EVALUATIONS BY ELIGIBLE ENTI-
6 TIES.—Not later than 18 months after receipt
7 of a grant or cooperative agreement under this
8 subsection, an eligible entity shall submit to the
9 Secretary the results of an evaluation to be con-
10 ducted by the entity concerning the effective-
11 ness of the activities carried out under the
12 grant or agreement.

13 “(B) REPORT.—Not later than 2 years
14 after the date of the enactment of this sub-
15 section, the Secretary shall submit to the appro-
16 priate committees of Congress a report con-
17 cerning the results of—

18 “(i) the evaluations conducted under
19 subparagraph (A); and

20 “(ii) an evaluation conducted by the
21 Secretary to analyze the effectiveness and
22 efficacy of the activities conducted with
23 grants, collaborations, and consultations
24 under this subsection.

25 “(7) DEFINITIONS.—In this subsection:

1 “(A) ADOPTION AND LEGAL GUARDIAN-
2 SHIP COMPETENCY.—The term ‘adoption and
3 legal guardianship competency’ means an un-
4 derstanding of—

5 “(i) the nature of adoption and legal
6 guardianship as a form of family formation
7 and the different types of adoption and
8 legal guardianship;

9 “(ii) relevant emotional and physical
10 issues involved in the adoption and legal
11 guardianship process, including issues re-
12 lating to separation, loss, attachment,
13 abuse, trauma, and neglect;

14 “(iii) common developmental chal-
15 lenges associated with adoption and legal
16 guardianship;

17 “(iv) the characteristics and skills
18 that allow for successful adoptive and legal
19 guardian families;

20 “(v) proper sensitivity with respect to
21 the different geographic, ethnic, or cultural
22 backgrounds of children who are adopted
23 or placed in legal guardianship and their
24 families; and

1 “(vi) the necessary skills for effec-
2 tively advocating on behalf of birth and
3 adoptive and legal guardian families.

4 “(B) POST-ADOPTION AND POST-LEGAL
5 GUARDIANSHIP MENTAL HEALTH SERVICES.—
6 The term ‘post-adoption and post-legal guard-
7 ianship mental health services’ includes—

8 “(i) adoption and legal guardianship
9 competent mental health direct services, in-
10 cluding training, educational support,
11 counseling, and other services for adoptive
12 and legal guardian parents and families
13 that address caregiver interests and con-
14 cerns regarding child behavioral issues that
15 are common among children who are
16 adopted, placed in legal guardianship, or
17 placed in foster care, including, as appro-
18 priate—

19 “(I) caring for a child who is
20 adopted or placed in legal guardian-
21 ship and has emotional, behavioral, or
22 developmental health needs; and

23 “(II) providing for the emotional
24 needs of a child who is adopted or
25 placed in legal guardianship, including

1 issues relating to attachment, identity,
2 abandonment, cultural differences,
3 grief, loss, and trauma;

4 “(ii) peer-to-peer mentoring and sup-
5 port groups that permit a newly adoptive
6 parent or legal guardian to communicate
7 and learn from more experienced adoptive
8 parents and legal guardians;

9 “(iii) the provision of informational
10 resources and available services for adop-
11 tive parents and legal guardians;

12 “(iv) direct services, including coun-
13 seling, peer-to-peer mentoring and support
14 groups, and other services for children who
15 are adopted or placed in legal guardianship
16 that address common behavioral and ad-
17 justment issues, including, as appro-
18 priate—

19 “(I) support services for a child
20 who is adopted or placed in legal
21 guardianship with emotional, behav-
22 ioral, or developmental health needs;

23 “(II) support services that ad-
24 dress the emotional needs of a child
25 who is adopted or placed in legal

1 guardianship, including issues relating
2 to attachment, identity, abandonment,
3 cultural differences, grief, loss, and
4 trauma; and

5 “(III) treatment services that are
6 specialized for children who are adopt-
7 ed or placed in legal guardianship, in-
8 cluding psychiatric residential serv-
9 ices, outpatient mental health services,
10 social skills training, intensive in-
11 home supervision services, recreational
12 therapy, suicide prevention, and sub-
13 stance abuse treatment;

14 “(v) peer-to-peer mentoring and sup-
15 port groups that allow children who are
16 adopted or placed in legal guardianship to
17 communicate and socialize with other such
18 children; and

19 “(vi) crisis intervention and family
20 preservation services.

21 “(8) LIMITATIONS ON AUTHORIZATION OF AP-
22 PROPRIATIONS.—For grants under this subsection,
23 there are authorized to be appropriated to the Sec-

1 retary not more than \$10,000,000 for fiscal year
2 2020, to remain available until expended.”.

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