

118TH CONGRESS  
1ST SESSION

# S. 3332

To amend the adoption opportunities program to define unregulated custody transfers of children and to improve awareness and prevention of such transfers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2023

Ms. KLOBUCHAR (for herself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the adoption opportunities program to define unregulated custody transfers of children and to improve awareness and prevention of such transfers, 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 “Safe Home Act of  
5 2023”.

1 **SEC. 2 UNREGULATED CUSTODY TRANSFERS.**

2 (a) IN GENERAL.—Title II of the Child Abuse Pre-  
3 vention and Treatment and Adoption Reform Act of 1978  
4 (42 U.S.C. 5111 et seq.) is amended—

5 (1) by redesignating section 205 (42 U.S.C.  
6 5115) as section 206; and

7 (2) by inserting after section 204 the following:

8 **“SEC. 205. SENSE OF CONGRESS, TECHNICAL ASSISTANCE,**

9 **AND REPORT ON UNREGULATED CUSTODY**

10 **TRANSFERS.**

11 “(a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that—

13 “(1) there are challenges associated with some  
14 adoptions (including the child’s mental health needs  
15 and the difficulties many families face in accessing  
16 support services) and some families may seek out an  
17 unregulated transfer of physical custody of an adop-  
18 tive child without any formal supervision by child  
19 welfare agencies or courts;

20 “(2) some adopted children experience trauma,  
21 and the disruption and placement in another home  
22 due to such a transfer may contribute to additional  
23 trauma and instability for such children;

24 “(3) unregulated custody transfers may not in-  
25 clude certain safety measures that are required as  
26 part of formal adoption proceedings, such as re-

1       quired child welfare or criminal background checks  
2       or clearances;

3               “(4) child welfare agencies and courts may be  
4       unaware of the placement of children through un-  
5       regulated custody transfers and, as a result, may not  
6       conduct assessments on children’s safety and well-  
7       being in such subsequent placements;

8               “(5) the lack of such assessments may result in  
9       the placement of children in homes in which the chil-  
10       dren may be exposed to unsafe environments;

11              “(6) the caregivers with whom a child is placed  
12       through an unregulated custody transfer may have  
13       no legal responsibility with respect to such child and  
14       may not have complete records, including the child’s  
15       birth, medical, or other records, with respect to such  
16       child;

17              “(7) a child adopted through intercountry adop-  
18       tion may be at risk of not acquiring United States  
19       citizenship if an unregulated custody transfer occurs  
20       before the adoptive parents complete all necessary  
21       steps to finalize the adoption of such child; and

22              “(8) unregulated custody transfers pose signifi-  
23       cant challenges for children who experience such  
24       transfers.

1       “(b) DEFINITION.—For the purpose of this section,  
2 the term ‘unregulated custody transfer’—

3               “(1) means the abandonment of a child, by the  
4 child’s parent or legal guardian, or a person or enti-  
5 ty acting on behalf, and with the consent, of such  
6 parent or guardian—

7               “(A) by placing the child with a person  
8 who is not—

9                       “(i) the child’s parent, stepparent,  
10 grandparent, adult sibling, legal guardian,  
11 or other adult relative;

12                      “(ii) a friend of the family who is an  
13 adult and with whom the child is familiar;  
14 or

15                      “(iii) a member of the federally recog-  
16 nized Indian Tribe of which the child is  
17 also a member or eligible to be a member;

18               “(B) with the intent of severing the rela-  
19 tionship between the child and the parent or  
20 guardian of such child; and

21               “(C) without—

22                      “(i) reasonably ensuring the safety of  
23 the child and permanency of the placement  
24 of the child, including by conducting an of-

1           ficial home study, background check, and  
2           supervision; and

3           “(ii) transferring the legal rights and  
4           responsibilities of parenthood or guardian-  
5           ship under applicable Federal and State  
6           law to a person described in clause (i), (ii),  
7           or (iii) of subparagraph (A); and

8           “(2) does not include the surrender of an infant  
9           to a safe haven by the parent or guardian of such  
10          infant, if such surrender is consistent with the safe  
11          haven law of the applicable State.

12          “(c) TECHNICAL ASSISTANCE AND PUBLIC AWARE-  
13          NESS.—The Secretary, in coordination with the heads of  
14          other relevant Federal agencies—

15                 “(1) shall improve public awareness related to  
16                 preventing adoption disruption and dissolution, in-  
17                 cluding preventing unregulated custody transfers of  
18                 adopted children; and

19                 “(2) in carrying out paragraph (1), shall update  
20                 Federal resources, including internet websites, to  
21                 provide—

22                         “(A) employees of State, local, and Tribal  
23                         agencies that provide child welfare services with  
24                         education materials related to preventing, iden-  
25                         tifying, and responding to unregulated custody

1 transfers, including such materials containing  
2 information on adoption support and stability  
3 services for adoptive families and prospective  
4 adoptive families; and

5 “(B) prospective adoptive families with in-  
6 formation on accessing pre-adoption education  
7 and post-adoption services from State, local,  
8 and private resources to promote child perma-  
9 nency.

10 “(d) REPORT TO CONGRESS.—

11 “(1) IN GENERAL.—Not later than 2 years  
12 after the date of enactment of the Safe Home Act  
13 of 2023, the Secretary, in consultation with the Sec-  
14 retary of State, shall prepare and submit to the  
15 Committee on Health, Education, Labor, and Pen-  
16 sions of the Senate, the Committee on Finance of  
17 the Senate, the Committee on Education and the  
18 Workforce of the House of Representatives, and the  
19 Committee on Ways and Means of the House of  
20 Representatives, a report on unregulated custody  
21 transfers of children, including of adopted children.

22 “(2) ELEMENTS.—The report required under  
23 paragraph (1) shall include—

24 “(A) information on the causes, methods,  
25 and characteristics of unregulated custody

1 transfers, including the use of social media and  
2 the internet;

3 “(B) information on the effects of unregu-  
4 lated custody transfer on children, including the  
5 effects of the lack of assessment of a child’s  
6 safety and well-being by social services agencies  
7 and courts due to such unregulated custody  
8 transfer;

9 “(C) data on the prevalence of unregulated  
10 custody transfers within each State and across  
11 all States;

12 “(D) recommended policies for preventing,  
13 identifying, and responding to unregulated cus-  
14 tody transfers, including of adopted children,  
15 that include—

16 “(i) suggested changes or updates to  
17 Federal and State law to address unregu-  
18 lated custody transfers;

19 “(ii) suggested changes or updates to  
20 child protection practices to address un-  
21 regulated custody transfers; and

22 “(iii) methods of providing to the pub-  
23 lic information regarding adoption and  
24 child protection; and

1                   “(E) a description of the activities carried  
2                   out under subsection (c).”.

3           (b)           CONFORMING           AMENDMENT.—Section  
4 203(d)(3)(A) of the Child Abuse Prevention and Treat-  
5 ment and Adoption Reform Act of 1978 (42 U.S.C.  
6 5113(d)(3)(A)) is amended by striking “section 205(a)”  
7 and inserting “section 206(a)”.

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