

118TH CONGRESS
1ST SESSION

S. 3333

To enhance pre- and post-adoption support services, and for other purposes.

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 Finance

A BILL

To enhance pre- and post-adoption support services, 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”.

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

7 (a) ENSURING THE WELL-BEING OF ADOPTED CHIL-
8 DREN AND THEIR ADOPTIVE FAMILIES.—Section 421 of
9 the Social Security 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 tion support services; and”.

10 (b) PRE- AND POST-ADOPTION 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-adoption 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-ADOPTION SUPPORT
4 SERVICES.—The term ‘pre- and post-adoption
5 support services’ means the following:

6 “(i) Pre-adoption 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, loss,
21 and trauma; 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-adoption support services,
14 which may include—

15 “(I) continued provision to adop-
16 tive parents of pre-adoption 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 havioral, or developmental health
2 needs;

3 “(bb) support services that
4 address issues relating to attach-
5 ment, identity, abandonment, cul-
6 tural differences, grief, and loss;
7 and

8 “(cc) treatment services that
9 are specialized for adopted chil-
10 dren, including psychiatric resi-
11 dential services, outpatient men-
12 tal health services, social skills
13 training, intensive in-home super-
14 vision services, recreational ther-
15 apy, suicide prevention, and sub-
16 stance abuse treatment;

17 “(IV) peer-to-peer mentoring and
18 support groups that allow adopted
19 children to communicate and socialize
20 with other adopted children, including
21 programs that provide for communica-
22 tion between adopted children from
23 similar geographic, ethnic, or cultural
24 backgrounds; and

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 PROMOTION AND SUP-**
 6 **PORT SERVICES.**

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

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

13 “(A) spend a significant portion of such
 14 amount to provide pre- and post-adoption sup-
 15 port services (as defined in section
 16 431(a)(8)(B));

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

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

1 **SEC. 4. FEDERAL GRANT PROGRAM FOR POST-ADOPTION**
2 **AND POST-LEGAL GUARDIANSHIP MENTAL**
3 **HEALTH SERVICES.**

4 (a) **FUNDING.**—Section 436 of the Social Security
5 Act (42 U.S.C. 629f) is amended—

6 (1) in subsection (a), by striking
7 “\$345,000,000 for each of fiscal years 2017 through
8 2023” and inserting “\$365,000,000 for each of fis-
9 cal years 2024 through 2028”; and

10 (2) in subsection (b), by adding at the end the
11 following new paragraph:

12 “(6) **POST-ADOPTION AND POST-LEGAL GUARD-**
13 **IANSHIP MENTAL HEALTH SERVICES.**—The Sec-
14 retary shall reserve \$20,000,000 for grants under
15 section 437(h).”.

16 (b) **GRANT PROGRAM.**—Section 437 of the Social Se-
17 curity Act (42 U.S.C. 629g) is amended by adding at the
18 end the following new subsection:

19 “(h) **POST-ADOPTION AND POST-LEGAL GUARDIAN-**
20 **SHIP MENTAL HEALTH SERVICE PROGRAMS.**—

21 “(1) **IN GENERAL.**—From the amounts reserved
22 for each of fiscal years 2024 through 2028 under
23 section 436(b)(6), the Secretary shall award grants
24 or cooperative agreements under this subsection to
25 eligible entities to—

1 “(A) develop and implement statewide or
2 tribal post-adoption and post-legal guardianship
3 mental health service programs for all children
4 who are adopted or placed in legal guardianship
5 and their families;

6 “(B) support public organizations and pri-
7 vate nonprofit organizations actively involved in
8 statewide or tribal post-adoption and post-legal
9 guardianship mental health service programs;

10 “(C) collect and analyze data on State-
11 sponsored statewide or tribal post-adoption and
12 post-legal guardianship mental health service
13 programs that can be used to monitor the effec-
14 tiveness of such services and for research, tech-
15 nical assistance, and policy development;

16 “(D) develop and provide adoption and
17 legal guardianship competent educational and
18 training opportunities concerning the mental
19 health needs of children who are adopted or
20 placed in legal guardianship, and their families,
21 for use by teachers, social workers, and other
22 community mental health service providers;

23 “(E) develop and provide materials for po-
24 tential adoptive parents and legal guardians,
25 both for children who already reside in the

1 United States at the time of adoption or place-
2 ment in legal guardianship and for those who at
3 such time reside in other countries, describing
4 the possible need for post-adoption and post-
5 legal guardianship mental health services and
6 available resources;

7 “(F) develop and provide respite care serv-
8 ices for adoptive and legal guardian families;
9 and

10 “(G) support research on, and development
11 of, promising practices (as defined in section
12 471(e)(4)(C)(iii)) for post-adoption and post-
13 legal guardianship mental health services.

14 “(2) ELIGIBLE ENTITY DEFINED.—

15 “(A) IN GENERAL.—In this subsection, the
16 term ‘eligible entity’ means—

17 “(i) a State;

18 “(ii) a public organization or private
19 nonprofit organization designated by a
20 State to develop or direct the State-spon-
21 sored statewide post-adoption and post-
22 legal guardianship mental health service
23 program under a grant under this sub-
24 section; and

1 “(iii) a federally recognized Indian
2 tribe or tribal organization (as defined in
3 the Indian Self-Determination and Edu-
4 cation Assistance Act) or an urban Indian
5 organization (as defined in the Indian
6 Health Care Improvement Act) that is ac-
7 tively involved in the development and con-
8 tinuation of a post-adoption and post-legal
9 guardianship mental health service pro-
10 gram.

11 “(B) LIMITATION.—In carrying out this
12 subsection, the Secretary shall ensure that each
13 State is awarded only 1 grant or cooperative
14 agreement under this subsection. For purposes
15 of the preceding sentence, a State shall be con-
16 sidered to have been awarded a grant or cooper-
17 ative agreement if the eligible entity involved is
18 the State or an entity designated by the State
19 under subparagraph (A)(ii). Nothing in this
20 subparagraph shall be construed to apply to en-
21 tities described in subparagraph (A)(iii).

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

1 “(A) eligible entities that have dem-
2 onstrated success in increasing the level of
3 adoption and legal guardianship competency
4 among mental health providers, adoption and
5 legal guardianship lawyers, social workers, case
6 workers, adoptive parents, and legal guardians;
7 and

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

12 “(4) REQUIREMENT FOR DIRECT SERVICES.—

13 Not less than 85 percent of funds received under a
14 grant or cooperative agreement under this sub-
15 section shall be used to provide direct services, of
16 which not less than 5 percent shall be used for ac-
17 tivities authorized under paragraph (1)(C).

18 “(5) COORDINATION AND COLLABORATION.—

19 “(A) IN GENERAL.—In carrying out this
20 subsection, the Secretary shall collaborate with
21 relevant Federal agencies and adoption and
22 legal guardianship-related working groups to
23 promote interaction between domestic foster
24 care agencies and private adoption agencies in
25 other countries.

1 “(B) CONSULTATION.—In carrying out
2 this subsection, the Secretary shall consult
3 with—

4 “(i) State and social service agencies
5 engaged in the placement of children for
6 adoption, domestically or from other coun-
7 tries;

8 “(ii) local and national organizations
9 that serve foster and adopted youth and
10 youth placed in legal guardianship;

11 “(iii) health and education specialists
12 who focus on adoption, legal guardianship,
13 and foster care medicine;

14 “(iv) youth who have been in foster
15 care, adopted, or in legal guardianship, do-
16 mestically or from other countries, includ-
17 ing youth who have experienced adoption
18 or guardianship disruptions or dissolutions;

19 “(v) families and friends of youth who
20 have been in foster care, adopted, or in
21 legal guardianship, domestically or from
22 other countries, including foster and adop-
23 tive parents and legal guardians; and

24 “(vi) qualified professionals who pos-
25 sess the specialized knowledge, skills, expe-

1 rience, and relevant attributes needed to
2 serve children who are adopted or placed in
3 legal guardianship and their families.

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

6 “(i) coordinate and collaborate on pol-
7 icy development with relevant Department
8 of Health and Human Services agencies
9 and adoption and legal guardianship-re-
10 related working groups; and

11 “(ii) consult on policy development at
12 the Federal level with those in the private
13 sector engaged in the recruitment of foster
14 and adoptive parents and legal guardians,
15 the placement of children in foster care,
16 for adoption, and in legal guardianship,
17 and the provision of post-adoption and
18 post-legal guardianship services.

19 “(6) EVALUATION AND REPORT.—

20 “(A) EVALUATIONS BY ELIGIBLE ENTI-
21 TIES.—Not later than 18 months after receipt
22 of a grant or cooperative agreement under this
23 subsection, an eligible entity shall submit to the
24 Secretary the results of an evaluation to be con-
25 ducted by the entity concerning the effective-

1 ness of the activities carried out under the
2 grant or agreement.

3 “(B) REPORT.—Not later than 2 years
4 after the date of enactment of this subsection,
5 the Secretary shall submit to the appropriate
6 committees of Congress a report concerning the
7 results of—

8 “(i) the evaluations conducted under
9 subparagraph (A); and

10 “(ii) an evaluation conducted by the
11 Secretary to analyze the effectiveness and
12 efficacy of the activities conducted with
13 grants, collaborations, and consultations
14 under this subsection.

15 “(7) ADDITIONAL DEFINITIONS.—In this sub-
16 section:

17 “(A) ADOPTED CHILD.—The term ‘adopt-
18 ed child’ means an individual who is under 21
19 years of age and was adopted from foster care
20 or placed in legal guardianship through a pri-
21 vate placement agency, or from another coun-
22 try.

23 “(B) ADOPTION AND LEGAL GUARDIAN-
24 SHIP COMPETENCY.—The term ‘adoption and

1 legal guardianship competency’ means an un-
2 derstanding of—

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

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

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

15 “(iv) the characteristics and skills
16 that allow for successful adoptive and legal
17 guardianship families;

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

23 “(vi) the necessary skills for effec-
24 tively advocating on behalf of birth and
25 adoptive and legal guardian families.

1 “(C) POST-ADOPTION AND POST-LEGAL
2 GUARDIANSHIP MENTAL HEALTH SERVICES.—

3 The term ‘post-adoption and post-legal guard-
4 ianship mental health services’ includes—

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

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

20 “(II) providing for the emotional
21 needs of a child who is adopted or
22 placed in legal guardianship, including
23 issues relating to attachment, identity,
24 abandonment, cultural differences,
25 grief, loss, and trauma;

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

6 “(iii) the provision of informational
7 resources and available services for adop-
8 tive parents or legal guardians;

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

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

20 “(II) support services that ad-
21 dress the emotional needs of a child
22 who is adopted or placed in legal
23 guardianship, including issues relating
24 to attachment, identity, abandonment,

1 cultural differences, grief, loss, and
2 trauma; and

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

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

17 “(vi) crisis intervention and family
18 preservation services.”.

19 **SEC. 5. DATA COLLECTION ON ADOPTION DISRUPTION AND**
20 **DISSOLUTION.**

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

24 “(e)(1) Not later than 12 months after the date of
25 enactment of the Supporting Adopted Children and Fami-

1 lies Act, the Secretary shall, as part of the data collection
2 system established under this section, promulgate final
3 regulations providing for the collection and analysis of in-
4 formation regarding children who enter into State custody
5 as a result of the disruption of a placement for adoption
6 or the dissolution of an adoption, which shall require
7 States to collect and report—

8 “(A) information on children who are adopted
9 within the United States or from other countries and
10 who enter into State custody as a result of the dis-
11 ruption of a placement for adoption or the dissolu-
12 tion of an adoption, including—

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

15 “(I) the disruption of placement for
16 adoption; or

17 “(II) the dissolution of an adoption;
18 and

19 “(ii) for each child identified under clause
20 (i)—

21 “(I) as applicable, the country of birth
22 for any child who was not born in the
23 United States;

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

1 “(III) the age of the child at the time
2 of the disruption or dissolution;

3 “(IV) the reason for the disruption or
4 dissolution; and

5 “(V) the agencies who handled the
6 placement for adoption; and

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

9 “(2) The information described in paragraph (1)
10 shall be used—

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

13 “(B) to improve research and data collection
14 systems in order to more accurately determine and
15 measure the rates, outcomes, and causes of adoption
16 disruption and dissolution;

17 “(C) to identify pre- and post-adoption support
18 services (including services described in section
19 431(a)(8)(B)) that result in lower rates of disrup-
20 tion and dissolution of adoptions;

21 “(D) to develop an understanding of the rela-
22 tionship between the rate of incidence of adoption
23 disruptions and dissolutions and the support services
24 that are provided to adoptive families in order to
25 identify and develop effective evidence-based strate-

1 gies, programs, and support services that help to
2 prevent adoption disruption and dissolution; and

3 “(E) to develop and enhance training and edu-
4 cational services regarding strategies for prevention
5 of adoption disruption and dissolution.

6 “(3)(A) Not later than 6 months after the date of
7 enactment of the Supporting Adopted Children and Fami-
8 lies Act, the Secretary shall, subject to subparagraph (B),
9 establish an advisory committee to study methods to effec-
10 tively collect data regarding disruption and dissolution of
11 adoptions that are not included in the data collection sys-
12 tem established under this section, including—

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

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

21 “(iii) such other data as determined appropriate
22 by the Secretary.

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

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

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

6 “(iii) members of State and local judiciary and
7 court staff.

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

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

16 (1) in paragraph (6)(C), by striking “and”
17 after the semicolon;

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

20 (3) by adding at the end the following new
21 paragraph:

22 “(8) include in the report submitted pursuant
23 to paragraph (5) for fiscal year 2024 or any suc-
24 ceeding fiscal year, national and State-by-State data
25 on the numbers and rates of disruptions and dissolu-

1 tions of adoptions, as collected pursuant to section
2 479(e)(1).”

○