

115TH CONGRESS
1ST SESSION

H. R. 3490

To amend the Public Health Service 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 27, 2017

Mr. LANGEVIN (for himself, Mr. DANNY K. DAVIS of Illinois, Ms. BASS, Mrs. LAWRENCE, and Mr. MARINO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service 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 2017”.

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

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

7 **“SEC. 520N. POST-ADOPTION AND POST-LEGAL GUARDIAN-**
8 **SHIP MENTAL HEALTH SERVICES.**

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

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

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

20 “(3) collect and analyze data on State-spon-
21 sored statewide or tribal post-adoption and post-legal
22 guardianship mental health service programs that
23 can be used to monitor the effectiveness of such
24 services and for research, technical assistance, and
25 policy development;

1 “(4) develop and provide educational and train-
2 ing opportunities concerning the mental health needs
3 of children who are adopted or placed in legal guard-
4 ianship, and their families, for use by teachers, so-
5 cial workers, and other community mental health
6 service providers;

7 “(5) develop and provide materials for potential
8 adoptive parents and legal guardians, both for chil-
9 dren who already reside in the United States at the
10 time of the adoption or placement in legal guardian-
11 ship and for those who at such time reside in other
12 countries, describing the possible need for post-adop-
13 tion and post-legal guardianship mental health serv-
14 ices and available resources;

15 “(6) develop and provide respite care services
16 for adoptive and legal guardian families; and

17 “(7) support research on, and development of,
18 best practices for post-adoption and post-legal
19 guardianship mental health services.

20 “(b) ELIGIBLE ENTITY.—

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

23 “(A) a State;

24 “(B) a public organization or private non-
25 profit organization designated by a State to de-

1 velop or direct the State-sponsored statewide
2 post-adoption and post-legal guardianship men-
3 tal health service program under a grant under
4 this section; and

5 “(C) a Federally recognized Indian tribe or
6 tribal organization (as defined in the Indian
7 Self-Determination and Education Assistance
8 Act (25 U.S.C. 450 et seq.)) or an urban In-
9 dian organization (as defined in the Indian
10 Health Care Improvement Act (25 U.S.C. 1601
11 et seq.)) that is actively involved in the develop-
12 ment and continuation of a post-adoption and
13 post-legal guardianship mental health service
14 program.

15 “(2) LIMITATION.—In carrying out this section,
16 the Secretary shall ensure that each State is award-
17 ed only 1 grant or cooperative agreement under this
18 section. For purposes of the preceding sentence, a
19 State shall be considered to have been awarded a
20 grant or cooperative agreement if the eligible entity
21 involved is the State or an entity designated by the
22 State under paragraph (1)(B). Nothing in this para-
23 graph shall be construed to apply to entities de-
24 scribed in paragraph (1)(C).

1 “(c) PREFERENCE.—In providing assistance under a
2 grant or cooperative agreement under this section, the
3 Secretary shall give preference to eligible entities that have
4 demonstrated success in increasing the level of adoption
5 and legal guardianship competency among mental health
6 providers, adoption and legal guardianship lawyers, social
7 workers, case workers, adoptive parents, and legal guard-
8 ians.

9 “(d) REQUIREMENT FOR DIRECT SERVICES.—Not
10 less than 85 percent of funds received under a grant or
11 cooperative agreement under this section shall be used to
12 provide direct services, of which not less than 5 percent
13 shall be used for activities authorized under subsection
14 (a)(3).

15 “(e) COORDINATION AND COLLABORATION.—

16 “(1) IN GENERAL.—In carrying out this sec-
17 tion, the Secretary shall collaborate with relevant
18 Federal agencies and adoption and legal guardian-
19 ship-related working groups to promote interaction
20 between domestic foster care agencies and private
21 adoption agencies in other countries.

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

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

4 “(B) local and national organizations that
5 serve foster and adopted youth and youth
6 placed in legal guardianship;

7 “(C) health and education specialists who
8 focus on adoption, legal guardianship, and fos-
9 ter care medicine;

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

13 “(E) families and friends of youth who
14 have been in foster care, adopted, or in legal
15 guardianship, domestically or from other coun-
16 tries; and

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

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

24 “(A) coordinate and collaborate on policy
25 development with the Administration for Chil-

dren and Families and other relevant Department of Health and Human Services agencies and adoption and legal guardianship-related working groups; and

“(B) consult on policy development at the Federal level with those in the private sector engaged in the recruitment of foster and adoptive parents and legal guardians, the placement of children in foster care, for adoption, and in legal guardianship, and the provision of post-adoption and post-legal guardianship services.

“(f) EVALUATION AND REPORT.—

“(1) EVALUATIONS BY ELIGIBLE ENTITIES.—

Not later than 18 months after receipt of a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

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

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

1 “(B) an evaluation conducted by the Sec-
2 retary to analyze the effectiveness and efficacy
3 of the activities conducted with grants, collabo-
4 rations, and consultations under this section.

5 “(g) DEFINITIONS.—In this section:

6 “(1) ADOPTION AND LEGAL GUARDIANSHIP
7 COMPETENCY.—The term ‘adoption and legal guard-
8 ianship competency’ means an understanding of—

9 “(A) the nature of adoption and legal
10 guardianship as a form of family formation and
11 the different types of adoption and legal guard-
12 ianship;

13 “(B) relevant emotional and physical
14 issues involved in the adoption and legal guard-
15 ianship process, including issues relating to sep-
16 aration, loss, attachment, abuse, trauma, and
17 neglect;

18 “(C) common developmental challenges as-
19 sociated with adoption and legal guardianship;

20 “(D) the characteristics and skills that
21 allow for successful adoptive and legal guardian
22 families;

23 “(E) proper sensitivity with respect to the
24 different geographic, ethnic, or cultural back-

1 grounds of children who are adopted or placed
2 in legal guardianship and their families; and

3 “(F) the necessary skills for effectively ad-
4 vocating on behalf of birth and adoptive and
5 legal guardian families.

6 “(2) POST-ADOPTION AND POST-LEGAL GUARD-
7 IANSHIP MENTAL HEALTH SERVICES.—The term
8 ‘post-adoption and post-legal guardianship mental
9 health services’ includes—

10 “(A) adoption and legal guardianship com-
11 petent mental health direct services, including
12 training, educational support, counseling, and
13 other services for adoptive and legal guardian
14 parents and families that address caregiver in-
15 terests and concerns regarding child behavioral
16 issues that are common among children who are
17 adopted, placed in legal guardianship, or placed
18 in foster care, including, as appropriate—

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

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

1 attachment, identity, abandonment, cul-
2 tural differences, grief, and loss;

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

8 “(C) the provision of informational re-
9 sources and available services for adoptive par-
10 ents and legal guardians;

11 “(D) direct services, including counseling,
12 peer-to-peer mentoring and support groups, and
13 other services for children who are adopted or
14 placed in legal guardianship that address com-
15 mon behavioral and adjustment issues, includ-
16 ing, as appropriate—

17 “(i) support services for a child who is
18 adopted or placed in legal guardianship
19 with emotional, behavioral, or develop-
20 mental health needs;

21 “(ii) support services that address the
22 emotional needs of a child who is adopted
23 or placed in legal guardianship, including
24 issues relating to attachment, identity,

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

3 “(iii) treatment services that are spe-
4 cialized for children who are adopted or
5 placed in legal guardianship, including psy-
6 chiatric residential services, outpatient
7 mental health services, social skills train-
8 ing, intensive in-home supervision services,
9 recreational therapy, suicide prevention,
10 and substance abuse treatment;

11 “(E) peer-to-peer mentoring and support
12 groups that allow children who are adopted or
13 placed in legal guardianship to communicate
14 and socialize with other such children; and

15 “(F) crisis intervention and family preser-
16 vation services.

17 “(h) FUNDING FOR POST-ADOPTION AND POST-
18 LEGAL GUARDIANSHIP MENTAL HEALTH SERVICES.—
19 From amounts appropriated to carry out titles III, V, or
20 XIX of the Public Health Service Act for each fiscal year,
21 \$10,000,000 shall be used by the Secretary in each such
22 fiscal year to fund services and programs authorized under
23 this section.”.

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