

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.

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## 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

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## 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.”.

