Stop Unregulated Custody Transfers of Adopted Children ("Rehoming")
Support the Bipartisan Safe Home Act of 2019
Sponsored by Rep. Jim Langevin (D-RI) and Don Bacon (R-NE)

Background
In 2013, Reuters released an investigative report on unregulated custody transfers (UCT), or “rehoming,” the practice whereby parents transfer custody of their adopted child outside of the child welfare system. In these cases, parents “advertise” their children on online forums, often because they are unable to handle the complex emotional and behavioral issues that their adopted child faces. These parents then place their child permanently in a home with strangers who have not been appropriately vetted. While legal adoptions require background checks, home studies, and supervision, UCT occurs without any official oversight, placing children at risk of neglect, exploitation, or physical, emotional or sexual abuse.

Fighting “Rehoming”
Despite these dangers, many child protective service professionals report that they are unsure whether they have the authority to investigate reports of UCT because it’s not defined in federal and most state law as a form of child abuse and neglect. Absent a specific complaint of physical or emotional harm, our frontline child defenders are unable to intervene, and children remain at risk. We must protect all children by codifying this abusive practice into law.

Child welfare experts agree. According to the State Department Office of Children’s Issues, a member of the National Working Group on UCT: “The most critical barrier to current and future efforts to respond to UCT, in terms of preventative measures and responsiveness to specific cases, is the lack of authority for [child protective services] to take action. Without a federal law that identifies UCT as a form of abuse and neglect, States lack clear avenues for how to include UCT in [their] laws, policies, and procedures governing what action, if any, child welfare authorities may take in response to a report of UCT.”

Furthermore, the Homeland Security Department’s U.S. Citizenship and Immigration Services (USCIS) recently issued guidance on determining the suitability for prospective adoptive parents in which it states, “USCIS views UCT as a form of child abuse or neglect.” The consensus is clear, and federal law must catch up.

The Safe Home Act
The Safe Home Act would add UCT, or “rehoming,” to the federal definition of child abuse and neglect under the Child Abuse Prevention and Treatment Act. This would reduce ambiguity and ensure child protective services can respond to reports of rehoming and keep our children safe. It would also allow states to use CAPTA funds to address rehoming.

The bill language protects a parent’s ability to place their children with a trusted relative when appropriate, but it ensures they cannot transfer custody to a stranger without the oversight of the child welfare system. The bill defines UCT as the placement of a child:

- With someone other than a child’s adult relative, family friend, or member of the child’s Indian tribe;
- With the intent of severing the existing parent-child relationship;
- Without ensuring the safety and permanency of the placement; and
- Without transferring parental rights and responsibilities under the law.

The bill also requires the Department of Health and Human Services, in consultation with the State Department, to issue a report to Congress on UCT and guidance to states on preventing, identifying and responding to these cases.

For additional information or to become a cosponsor of the Safe Home Act, please contact Kerry McKittrick with Representative Langevin at kerry.mckittrick@mail.house.gov or 202-225-2735.
116TH CONGRESS
1ST SESSION

H.R.

To amend the Child Abuse Prevention and Treatment Act to include an act of unregulated custody transfer in the definition of child abuse and neglect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Langevin introduced the following bill; which was referred to the Committee on

A BILL

To amend the Child Abuse Prevention and Treatment Act to include an act of unregulated custody transfer in the definition of child abuse and neglect, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safe Home Act of 2019”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that:
(1) Adopted children may be most at risk of experiencing an unregulated custody transfer because the challenges associated with adoptions, including the child's mental health needs and the difficulties many families face in acquiring support services, may lead families to seek out unregulated custody transfers.

(2) Many adopted children experience trauma, and the disruption and placement in another home by unregulated custody transfer creates additional trauma and instability for the child.

(3) Children who experience an unregulated custody transfer may be placed with families who have not completed required child welfare or criminal background checks or clearances.

(4) Social services agencies and courts are often unaware of the placement of children through unregulated custody transfer and therefore do not conduct assessments on the child's safety and well-being in such placements.

(5) Such lack of placement oversight places a child at risk for future abuse and increases the likelihood that the child may experience—

(A) physical, sexual, or emotional abuse or neglect;
(B) contact with unsafe adults or youth;

and

(C) exposure to unsafe or isolated environments.

(6) The caregivers with whom an child is placed through unregulated custody transfer often have no legal responsibility with respect to such child, placing the child at risk for additional unregulated custody transfers.

(7) Such caregivers also may not have complete records, including birth, medical, or immigration records.

(8) A child adopted through intercountry adoption may be at risk of not acquiring United States citizenship if an unregulated custody transfer occurs before the adoptive parents complete all necessary steps to finalize the adoption of such child.

(9) Engaging in, or offering to engage in, unregulated custody transfer is a form of child abuse.

SEC. 3. TREATMENT OF UNREGULATED CUSTODY TRANSFER.

(a) IN GENERAL.—Section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (2)—
(A) by striking "or an act or failure" and inserting "an act or failure"; and

(B) by inserting ", or an unregulated custody transfer" after "serious harm";

(2) in paragraph (7), by striking "; and" and inserting a semicolon;

(3) in paragraph (8), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(9) the term ‘unregulated custody transfer’ means the abandonment of a child by the child’s parent, legal guardian, or a person or entity acting on behalf, and with the consent, of such parent or guardian—

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

“(i) the child’s parent, step-parent, grandparent, adult sibling, adult uncle or aunt, legal guardian, or other adult relative;

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

or
“(iii) a member of the federally recognized Indian tribe of which the child is also a member;

“(B) with the intent of severing the relationship between the child and the parent or guardian of such child; and

“(C) without—

“(i) reasonably ensuring the safety of the child and permanency of the placement of the child, including by conducting an official home study, background check, and supervision; and

“(ii) transferring the legal rights and responsibilities of parenthood or guardianship under applicable Federal and State law to a person described in subparagraph (A).”.

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by striking “450b” and inserting “5304”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this section.
SEC. 4. REPORT AND GUIDANCE ON UNREGULATED CUSTODY TRANSFERS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended to read as follows:

"SEC. 204. REPORT AND GUIDANCE ON UNREGULATED CUSTODY TRANSFERS.

(a) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this section, the
Secretary, in consultation with the Secretary of
State, shall provide to the Committee on Education
and Labor of the House of Representatives, the
Committee on Ways and Means of the House of
Representatives, and the Committee on Health, Edu-
cation, Labor and Pensions of the Senate a report
on unregulated custody transfers of children, includ-
ing of adopted children.

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

(A) the causes, methods, and characteris-
tics of unregulated custody transfers, including
the use of social media and the internet;

(B) the effects of unregulated custody
transfer on children, including the lack of as-
essment of a child's safety and well-being by
social services agencies and courts due to such unregulated custody transfer;

"(C) the prevalence of unregulated custody transfers within each State and across all States; and

"(D) recommended policies for preventing, identifying, and responding to unregulated custody transfers, including of adopted children, that include—

"(i) amendments to Federal and State law to address unregulated custody transfers;

"(ii) amendments to child protection practices to address unregulated custody transfers;

"(iii) methods of providing the public information regarding adoption and child protection.

"(b) GUIDANCE TO STATES.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary, in consultation with the Secretary of State, shall issue guidance and technical assistance to States related to preventing, identifying, and re-
sponding to unregulated custody transfers, including
of adopted children.

"(2) ELEMENTS.—The guidance required under
paragraph (1) shall include—

"(A) education and training materials re-
lated to preventing, identifying, and responding
to unregulated custody transfers for employees
of State, local, and Tribal agencies that provide
child welfare services;

"(B) model State laws with respect to un-
regulated custody transfers; and

"(C) guidance on appropriate pre-adoption
training and post-adoption services for domestic
and international adoptive families to promote
child permanency.

"(c) DEFINITIONS.—In this section:

"(1) STATE.—The term ‘State’ means each of
the several States, the District of Columbia, and any
commonwealth, territory, or possession of the United
States.

"(2) UNREGULATED CUSTODY TRANSFER.—
The term ‘unregulated custody transfer’ has the
meaning given the term in section 3 of the Child
Abuse Prevention and Treatment Act (42 U.S.C.
5101 note)."