

# 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**

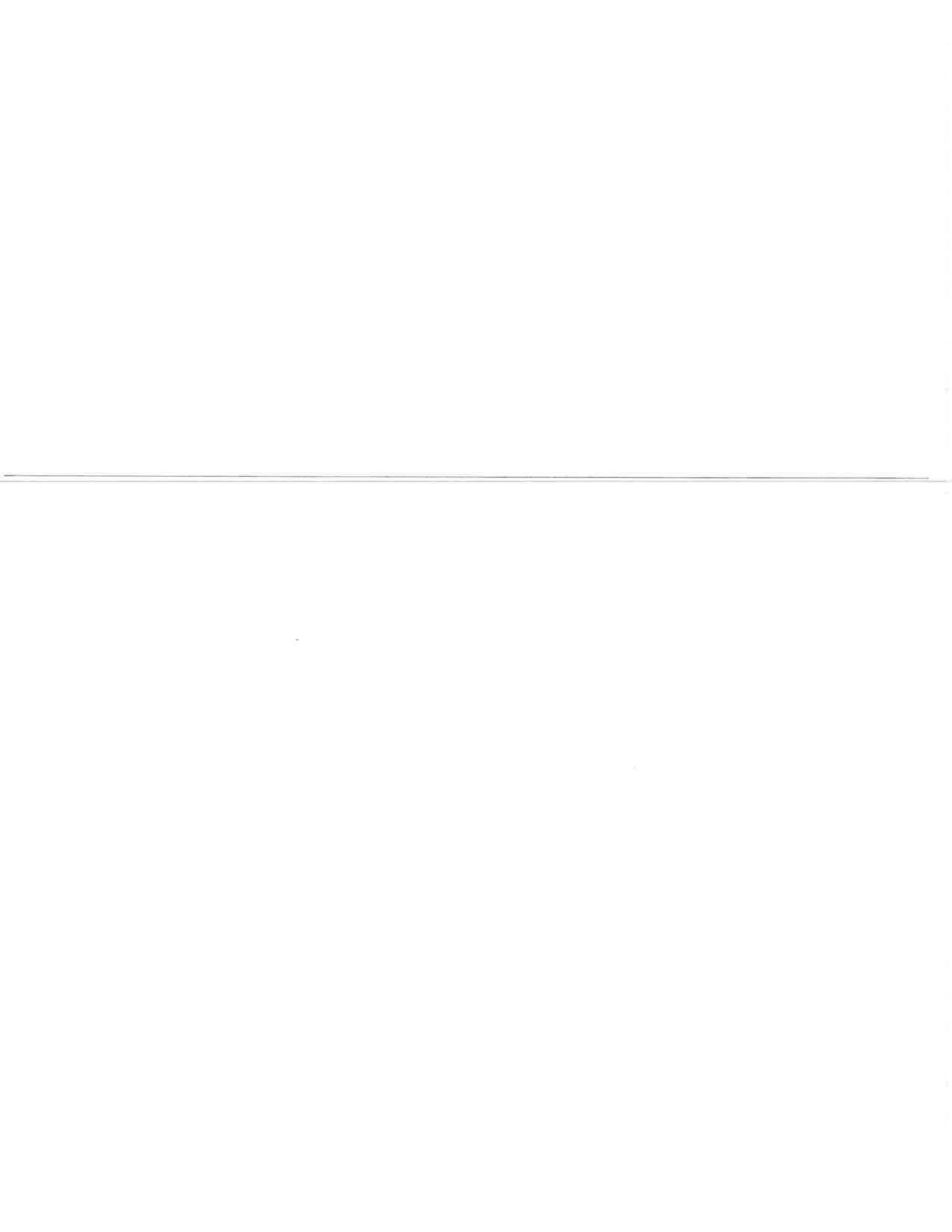
**The Safe Home Act would add UCT, or “rehoming,” to the federal definition of child abuse and neglect under the Child Abuse Prevention and Treatment Act.** This would reduce ambiguity and ensure child protective services can respond to reports of rehoming and keep our children safe. It would also allow 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](mailto:kerry.mckittrick@mail.house.gov) or 202-225-2735.



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(Original Signature of Member)

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. LANGEVIN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**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.

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 2019”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that:

1 (1) Adopted children may be most at risk of ex-  
2 periencing an unregulated custody transfer because  
3 the challenges associated with adoptions, including  
4 the child's mental health needs and the difficulties  
5 many families face in acquiring support services,  
6 may lead families to seek out unregulated custody  
7 transfers.

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

12 (3) Children who experience an unregulated  
13 custody transfer may be placed with families who  
14 have not completed required child welfare or crimi-  
15 nal background checks or clearances.

16 (4) Social services agencies and courts are often  
17 unaware of the placement of children through un-  
18 regulated custody transfer and therefore do not con-  
19 duct assessments on the child's safety and well-being  
20 in such placements.

21 (5) Such lack of placement oversight places a  
22 child at risk for future abuse and increases the like-  
23 lihood that the child may experience—

24 (A) physical, sexual, or emotional abuse or  
25 neglect;

1 (B) contact with unsafe adults or youth;  
2 and

3 (C) exposure to unsafe or isolated environ-  
4 ments.

5 (6) The caregivers with whom an child is placed  
6 through unregulated custody transfer often have no  
7 legal responsibility with respect to such child, plac-  
8 ing the child at risk for additional unregulated cus-  
9 tody transfers.

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

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

18 (9) Engaging in, or offering to engage in, un-  
19 regulated custody transfer is a form of child abuse.

20 **SEC. 3. TREATMENT OF UNREGULATED CUSTODY TRANS-**  
21 **FER.**

22 (a) IN GENERAL.—Section 3 of the Child Abuse Pre-  
23 vention and Treatment Act (42 U.S.C. 5101 note) is  
24 amended—

25 (1) in paragraph (2)—

1 (A) by striking “or an act or failure” and  
2 inserting “an act or failure”; and

3 (B) by inserting “, or an unregulated cus-  
4 tody transfer” after “serious harm”;

5 (2) in paragraph (7), by striking “; and” and  
6 inserting a semicolon;

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

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

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

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

18 “(i) the child’s parent, step-parent,  
19 grandparent, adult sibling, adult uncle or  
20 aunt, legal guardian, or other adult rel-  
21 ative;

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

1                   “(iii) a member of the federally recog-  
2                   nized Indian tribe of which the child is also  
3                   a member;

4                   “(B) with the intent of severing the rela-  
5                   tionship between the child and the parent or  
6                   guardian of such child; and

7                   “(C) without—

8                   “(i) reasonably ensuring the safety of  
9                   the child and permanency of the placement  
10                  of the child, including by conducting an of-  
11                  ficial home study, background check, and  
12                  supervision; and

13                  “(ii) transferring the legal rights and  
14                  responsibilities of parenthood or guardian-  
15                  ship under applicable Federal and State  
16                  law to a person described in subparagraph  
17                  (A).”.

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

22           (c) **EFFECTIVE DATE.**—The amendments made by  
23 this section shall take effect on the date that is 1 year  
24 after the date of the enactment of this section.

1 **SEC. 4. REPORT AND GUIDANCE ON UNREGULATED CUS-**  
2 **TODY TRANSFERS.**

3 Section 204 of the Child Abuse Prevention and  
4 Treatment and Adoption Reform Act of 1978 (42 U.S.C.  
5 5114) is amended to read as follows:

6 **“SEC. 204. REPORT AND GUIDANCE ON UNREGULATED CUS-**  
7 **TODY TRANSFERS.**

8 **“(a) REPORT TO CONGRESS.—**

9 **“(1) IN GENERAL.—**Not later than 180 days  
10 **after the date of the enactment of this section, the**

11 Secretary, in consultation with the Secretary of  
12 State, shall provide to the Committee on Education  
13 and Labor of the House of Representatives, the  
14 Committee on Ways and Means of the House of  
15 Representatives, and the Committee on Health, Edu-  
16 cation, Labor and Pensions of the Senate a report  
17 on unregulated custody transfers of children, includ-  
18 ing of adopted children.

19 **“(2) ELEMENTS.—**The report required under  
20 **paragraph (1) shall include—**

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

24 **“(B) the effects of unregulated custody**  
25 **transfer on children, including the lack of as-**  
26 **essment of a child’s safety and well-being by**



1 social services agencies and courts due to such  
2 unregulated custody transfer;

3 “(C) the prevalence of unregulated custody  
4 transfers within each State and across all  
5 States; and

6 “(D) recommended policies for preventing,  
7 identifying, and responding to unregulated cus-  
8 tody transfers, including of adopted children,  
9 that include—

10 “(i) amendments to Federal and State  
11 law to address unregulated custody trans-  
12 fers;

13 “(ii) amendments to child protection  
14 practices to address unregulated custody  
15 transfers;

16 “(iii) methods of providing the public  
17 information regarding adoption and child  
18 protection.

19 “(b) GUIDANCE TO STATES.—

20 “(1) IN GENERAL.—Not later than 1 year after  
21 the date of the enactment of this section, the Sec-  
22 retary, in consultation with the Secretary of State,  
23 shall issue guidance and technical assistance to  
24 States related to preventing, identifying, and re-

1       sponding to unregulated custody transfers, including  
2       of adopted children.

3           “(2) ELEMENTS.—The guidance required under  
4       paragraph (1) shall include—

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

10          ~~“(B) model State laws with respect to un-~~  
11       regulated custody transfers; and

12          “(C) guidance on appropriate pre-adoption  
13       training and post-adoption services for domestic  
14       and international adoptive families to promote  
15       child permanency.

16       “(c) DEFINITIONS.—In this section:

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

21          “(2) UNREGULATED CUSTODY TRANSFER.—  
22       The term ‘unregulated custody transfer’ has the  
23       meaning given the term in section 3 of the Child  
24       Abuse Prevention and Treatment Act (42 U.S.C.  
25       5101 note).”.