

106TH CONGRESS  
2D SESSION

# H. R. 5053

To offer States an incentive to improve decisions in contested adoption cases.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

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

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## A BILL

To offer States an incentive to improve decisions in contested adoption cases.

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 “Defense of Children  
5       Adoption Act”.

6       **SEC. 2. FINDINGS; STATEMENT OF PURPOSE.**

7       The Congress finds that—

8               (1) every child deserves to have a permanent  
9       and loving home;



1           (2) the amount that bears the same ratio to the  
2           amount appropriated pursuant to subsection (e) for  
3           the fiscal year as the number of individuals in the  
4           State who have not attained 18 years of age (deter-  
5           mined on the basis of the most recently available  
6           census data) bears to the total number of such indi-  
7           viduals in all States with an eligible State court for  
8           the fiscal year.

9           (c) USE OF GRANT.—An eligible State court to which  
10          a grant is made under this section in a fiscal year may  
11          use such funds to pay not more than 75 percent of the  
12          costs incurred by the courts of the State during the fiscal  
13          year to reduce the number of adoption cases pending in  
14          the State courts by providing child advocates, such as  
15          guardian ad litem, to represent children in the adoption  
16          process.

17          (d) DEFINITIONS.—In this section:

18               (1) ELIGIBLE STATE COURT.—The term “eligi-  
19               ble State court” means, with respect to a State and  
20               a fiscal year, a court that—

21                       (A) is the highest court in a qualified  
22                       State;

23                       (B) that obtained from the State a com-  
24                       mitment that the State will provide a sum cer-  
25                       tain to the court for the fiscal year which is to

1 be used by the courts of the State for the han-  
2 dling of contested adoption cases;

3 (C) has submitted to the Secretary, at  
4 such time, in such form, and including such in-  
5 formation and assurances as the Secretary may  
6 require, an application for a grant under this  
7 section; and

8 (D) whose application for the grant is ap-  
9 proved by the Secretary.

10 (2) QUALIFIED STATE.—The term “qualified  
11 State” means a State that—

12 (A) has in effect a State plan approved  
13 under part E of title IV of the Social Security  
14 Act; and

15 (B) has in effect such laws and procedures  
16 as may be necessary to ensure that, in a con-  
17 tested adoption case, the courts of the State are  
18 required to consider all relevant factors,  
19 including—

20 (i) the importance of providing perma-  
21 nency, stability, and continuity of relation-  
22 ships for the child;

23 (ii) whether the child will be able to  
24 enter into a more stable and permanent  
25 family relationship, taking into account the

1 conditions of the child's current placement,  
2 the likelihood of future placements, and  
3 the results of prior placements;

4 (iii) the age and health of the child at  
5 the time the best interest determination is  
6 made, and if applicable, at the time the  
7 child was removed from the home;

8 (iv) the wishes of the child in any case  
9 in which the child's age and maturity  
10 makes this feasible;

11 (v) the duration of the separation of  
12 the child from a parent;

13 (vi) the likelihood of safe reunification  
14 with a parent within a reasonable period of  
15 time;

16 (vii) the child interaction and relation-  
17 ship with the child's parents, siblings, and  
18 any other person who may significantly af-  
19 fect the child's best interest;

20 (viii) the child's adjustment to the  
21 child's current home, school, and commu-  
22 nity;

23 (ix) the mental and physical health of  
24 all persons involved in the situation; and

1 (x) whether any person involved in the  
2 situation—

3 (I) has been convicted of, has  
4 pleaded guilty or nolo contendere to,  
5 has threatened to commit, or has been  
6 accused of a criminal offense involving  
7 an act that resulted in the abuse or  
8 neglect of a child, or of abusing or as-  
9 saulting an individual who, at the  
10 time of the abuse or assault, was a  
11 member of the person's family or  
12 household; or

13 (II) in a case in which a child  
14 has been adjudicated to have been  
15 abused or neglected, has been deter-  
16 mined to have caused the abuse or ne-  
17 glect.

18 (3) SECRETARY.—The term “Secretary” means  
19 the Secretary of Health and Human Services.

20 (4) STATE.—The term “State” shall have the  
21 same meaning such term has in part E of title IV  
22 of the Social Security Act.

23 (e) LIMITATIONS ON AUTHORIZATION OF APPRO-  
24 PRIATIONS.—For grants under this section, there are au-

- 1 thORIZED to be appropriated to the Secretary \$50,000,000
- 2 for each of fiscal years 2000 through 2003.

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