To require the Federal Government to provide mental health services to each child who has been separated from one or more parent as a result of implementation of the Trump Administration’s zero tolerance policy at the United States border, 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 “Mental Health Care for Children Inhumanely Separated from Parents by the Federal Government Act of 2019”.

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SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) On April 6, 2018, Attorney General Jeff Sessions announced that the Trump Administration would begin implementing a new zero tolerance policy for immigrants crossing the border into the United States illegally.

(2) Between April 19 and May 31, 2018, 1,995 children were separated by the Department of Homeland Security from their migrant parents at the border.

(3) On May 8, 2018, the president of the American Academy of Pediatrics issued a statement opposing separation of children and parents at the border, explaining that “highly stressful experiences, like family separation, can cause irreparable harm, disrupting a child’s brain architecture and affecting his or her short- and long-term health. This type of prolonged exposure to serious stress—known as toxic stress—can carry lifelong consequences for children.”.

(4) On May 29, 2018, the president of the American Psychological Association issued a statement regarding the “traumatic effects of separating immigrant families”, explaining that “[t]he longer that children and parents are separated, the greater
the reported symptoms of anxiety and depression for
the children. Negative outcomes for children include
psychological distress, academic difficulties and dis-
ruptions in their development.”.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that the separation of children from migrating par-
ents, as is resulting from the Trump Administration’s im-
plementation of the zero tolerance immigration policy, is
erue, inhumane, and harmful to the mental health of sep-
arated children.

SEC. 3. MENTAL HEALTH SERVICES FOR CHILDREN SEPA-
RATED BY THE DEPARTMENT OF HOMELAND
SECURITY AT THE BORDER.

(a) IN GENERAL.—The Federal Government shall,
including through contracts with qualified mental health
professionals, ensure that—

(1) beginning not later than 24 hours after a
child is separated from one or more parent by the
Department of Homeland Security at the United
States border, such child receives a mental health
assessment by such a professional who is not em-
ployed by the Federal Government;

(2) not later than 24 hours after the date of the
enactment of this Act, any child who was separated
from one or more parent at the United States border
at any time on or after April 6, 2018, shall receive
a mental health assessment from such a professional
who is not employed by the Federal Government;

(3) on an ongoing basis and as described in
subsection (c), a child described in paragraph (1) or
(2) is, subject to subsection (b), provided with men-
tal health services by such a professional regardless
of whether such child remains in a detention center
or is released to a family member or guardian (pro-
vided such child remains in the United States) and
an adequate network of such professionals is avail-
able nationwide to enable access to such services;
and

(4) 100 percent of the costs of such assessment
and services provided to a child pursuant to this
subsection are covered by the Federal Government,
without any cost-sharing or other related obligation
with respect to such assessment or services provided
to such child.

(b) OPT-OUT.—After release from a detention center,
the parent or legal guardian of a child described in sub-
section (a) may choose for such child to not receive serv-
ices otherwise made available pursuant to paragraph (3)
of such subsection and to not be provided an independent
assessment described in subsection (c).
(c) Termination.—On an annual basis, a child receiving mental health services provided pursuant to subsection (a)(3) shall be subject to an independent assessment by a qualified mental health professional who is not directly involved in the provision of mental health services to such child and who is not employed by the Federal Government to determine whether such child continues to need such services or if such services should be terminated. In the case a determination is made pursuant to the previous sentence that such services should be terminated, the requirements under subsection (a) with respect to such child shall terminate. Prior to the termination of services, the qualified mental health professional involved in the provision of mental health services to such child shall consult the parent or guardian of such child in planning for reducing and then terminating such services.

(d) Qualified Mental Health Professional Defined.—In this section, the term “qualified mental health professional” means a provider of mental health services who is eligible to participate as such a provider under a State plan under the Medicaid program under title XIX of the Social Security Act or under a State child health plan under the Children’s Health Insurance Program under title XXI of such Act and who—
(1) has training in the treatment of mental illness in children and adolescents; and

(2) agrees to maintain patient records for children and adolescents receiving mental health services under this Act in accordance with State and Federal health information privacy and security laws in the same manner and to the same extent as such provider would be required under such laws to maintain such records for such children and adolescents if such children and adolescents were nationals of the United States (as such term is defined in paragraph (22) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).