

111TH CONGRESS
1ST SESSION

H. R. 3070

To encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2009

Ms. WATSON (for herself and Mr. BOOZMAN) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Families for Orphans Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

TITLE I—GLOBAL ORPHANS STRATEGY

Sec. 101. Office for orphan policy diplomacy and development.

Sec. 102. Policy coordinating committee in support of orphan policy, diplomacy, and development.

Sec. 103. Minimum standards for the provision of permanent parental care.

Sec. 104. Grant, pilot, and development programs.

Sec. 105. Authorization of appropriations.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) A child who grows up in a permanent fam-
5 ily in an atmosphere of happiness, love, and under-
6 standing has the best opportunity for the full and
7 harmonious development of his or her potential.

8 (2) The right of a child to grow up in a safe,
9 loving and permanent loving relationship with a re-
10 sponsible adult is a basic human right.

11 (3) The safety and well being of children should
12 be the paramount concern of child welfare policies
13 and programs.

14 (4) As stated in the United Nations Programme
15 for the International Year of the Family (1994),
16 “the family provides the natural framework for the
17 emotional, financial, and material support essential
18 to the growth and development of its members, par-
19 ticularly infants and children.”.

20 (5) Cost benefit analysis data shows that effec-
21 tive, high quality interventions to improve parenting

1 skills and reduce child maltreatment save between
2 \$2 and \$8 dollars for every dollar spent.

3 (6) Despite the good efforts of countless gov-
4 ernments and nongovernmental organizations, mil-
5 lions of children remain outside of the protection,
6 permanency, safety, and love of a family. Without
7 the care of a family, these children are forced to live
8 on the streets, in child-headed households, or in in-
9 stitutions.

10 (7) According to UNICEF, there are more than
11 132,000,000 orphans worldwide. Unless immediate
12 action is taken, the number of orphans is expected
13 to increase over time.

14 (8) According to Dr. Dana Johnson at the Uni-
15 versity of Minnesota, lack of stimulation and con-
16 sistent caregivers, suboptimal nutrition and physical/
17 sexual abuse all conspire to delay and sometimes
18 preclude normal development, speech acquisition and
19 attainment of necessary social skills. Children lose
20 one month of linear growth for every three months
21 in an orphanage.

22 (9) Research indicates that infants who do not
23 receive touching, holding, and stimulation fail to
24 thrive and may suffer life-affecting physical and
25 emotional stressors, if not death.

1 (10) Although governments throughout the
2 world are seeking models for preventing institu-
3 tionalization and finding permanent families for or-
4 phaned children, many lack the resources or infra-
5 structure to adequately address this need.

6 (11) As a result of its efforts to protect its chil-
7 dren from abuse and neglect, the United States has
8 amassed a vast body of research, policy, and the pro-
9 fessional capacity to promote safety, permanency
10 and well-being for children and youth so they can
11 become healthy and successful adults.

12 (12) Despite the fact that the United States in-
13 vests \$300,000,000,000 annually in international aid
14 programs that are improving the health, safety and
15 well-being of children throughout the world, it is un-
16 clear how much of this funding is used to support
17 the preservation and reunification of families or the
18 provision of permanent parental care.

19 (13) Greater coordination is needed between
20 Federal bureaus and agencies with an interest in or-
21 phan care policy. Such efforts would be assisted
22 greatly by the development of a comprehensive glob-
23 al strategy for providing permanent parental care
24 for orphans.

1 (14) Despite the United States' interest in de-
2 veloping a comprehensive global strategy for pro-
3 viding permanent parental care for orphans, the
4 United States lacks a clear, dedicated diplomatic au-
5 thority to represent these interests.

6 (b) PURPOSES.—The purposes of this Act are to—

7 (1) provide the infrastructure and resources
8 necessary for the United States to develop and im-
9 plement a comprehensive, global strategy for the
10 preservation and reunification of families and the
11 provision of permanent parental care for orphans;

12 (2) streamline and coordinate United States
13 policies and programs related to the preservation
14 and reunification of families and the provision of
15 permanent parental care for orphans;

16 (3) encourage and assist foreign governments in
17 the development and implementation of effective
18 child welfare policies, systems, and programs that
19 preserve and reunify families and provide permanent
20 parental care for orphans;

21 (4) ensure that all aid efforts receiving funding
22 from the United States recognize and support the
23 need for the preservation and reunification of fami-
24 lies and the provision of permanent parental care for
25 orphans; and

1 (5) build global awareness of the need for the
2 preservation and reunification of families and the
3 provision of permanent parental care for orphans.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **DEINSTITUTIONALIZATION.**—The term “de-
7 institutionalization” means the process of safely
8 moving youth from institutions to—

9 (A) permanent parental care; or

10 (B) temporary alternatives designed to
11 lead to permanent parental care.

12 (2) **FAMILY AT RISK OF DISSOLUTION.**—The
13 term “family at risk of dissolution” means a family
14 under circumstances which—

15 (A) compromise the health, safety and
16 well-being of minor, dependent children to an
17 extent that the parental caregivers may be com-
18 pelled to voluntarily or involuntarily forfeit care
19 parental rights or custody of such children; or

20 (B) are likely to cause the parents to aban-
21 don or relinquish rights to minor, dependent
22 children.

23 (3) **FAMILY PRESERVATION.**—The term “family
24 preservation” means services for children and fami-
25 lies designed to promote the safety and well-being of

1 children and families and to help families (at risk or
2 in crisis, including community-based family support,
3 social, therapeutic, and financial programs and serv-
4 ices designed to—

5 (A) enable families to provide safe, perma-
6 nent, and nurturing care to their children; and

7 (B) strengthen and support birth families
8 who are at risk of dissolution, separation, or do-
9 mestic violence.

10 (4) REUNIFICATION.—The term “reunification”
11 means time-limited services and activities provided
12 to an orphan in order to facilitate the safe and time-
13 ly reunification of the child and parent.

14 (5) INSTITUTION.—The term “institution”
15 means—

16 (A) an orphanage;

17 (B) a children’s home;

18 (C) a boarding school for orphans;

19 (D) a shelter;

20 (E) a residential facility;

21 (F) a hospital;

22 (G) a dormitory;

23 (H) long-term foster care; and

24 (I) any other setting in which permanent
25 parental care is not being provided to the child.

1 (6) INSTITUTIONALIZED CHILD.—The term “in-
2 stitutionalized child” is a child who is—

3 (A) younger than 21 years of age; and

4 (B) living in an institution.

5 (7) ORPHAN.—The term “orphan” means any
6 child—

7 (A) who lacks permanent parental care be-
8 cause of the death, the disappearance of, or the
9 legal, permanent relinquishment of such child
10 by both biological parents;

11 (B) who is living in the care and custody
12 of an institution;

13 (C) whose biological parents’ rights have
14 been legally terminated; or

15 (D) whose country of origin has deter-
16 mined lacks permanent parental care.

17 (8) PERMANENT PARENTAL CARE.—The term
18 “permanent parental care”—

19 (A) means a legally recognized relationship
20 between a adult and a child who is younger
21 than 21 years of age, which is life-long and pro-
22 vides a caring, safe, stable physical environ-
23 ment;

24 (B) includes—

1 (i) domestic and international adop-
2 tion;

3 (ii) legal guardianship; and

4 (iii) legal kinship care; and

5 (C) does not include temporary or long-
6 term foster care, institutionalization, or men-
7 toring.

8 (9) LEGAL GUARDIANSHIP.—The term “legal
9 guardianship” means a legally recognized relation-
10 ship between child and caretaker which is intended
11 to be permanent and is evidenced by the transfer to
12 the caretaker of the following parental rights with
13 respect to the child: protection, education, custody,
14 and decisionmaking.

15 (10) LEGAL KINSHIP.—The term “legal kin-
16 ship” means a legally recognized relationship be-
17 tween child and caretaker which is intended to be
18 permanent and is evidenced by the transfer to the
19 caretaker of the following parental rights with re-
20 spect to the child: protection, education, custody,
21 and decisionmaking.

22 (11) ADOPTION SUPPORT SERVICES.—The term
23 “adoption support services” means services and ac-
24 tivities designed to encourage when adoption is
25 found to be in the best interests of children, includ-

1 ing but not limited to pre- and post-adoptive serv-
2 ices; activities designed to expedite the adoption
3 process and support adoptive families.

4 **TITLE I—GLOBAL ORPHANS**
5 **STRATEGY**

6 **SEC. 101. OFFICE FOR ORPHAN POLICY DIPLOMACY AND**
7 **DEVELOPMENT.**

8 (a) ESTABLISHMENT.—There is established within
9 the Department of State the Office for Orphan Policy Di-
10 plomacy and Development (referred to in this section as
11 the “Office”), which shall promote and support—

12 (1) the preservation and reunification of fami-
13 lies; and

14 (2) the provision of permanent parental care for
15 orphans.

16 (b) COORDINATOR.—

17 (1) APPOINTMENT.—The Office shall be headed
18 by the Coordinator for Orphan Policy Diplomacy
19 and Development (referred to in this section as the
20 “Coordinator”), who shall be designated by the
21 President.

22 (2) QUALIFICATIONS.—To the extent possible,
23 the Coordinator shall be an individual with back-
24 ground and experience in the development of perma-
25 nency related policies and systems.

1 (3) DUTIES.—The Coordinator shall—

2 (A) oversee and coordinate—

3 (i) all programs and duties described
4 in this Act; and

5 (ii) all other activities that the United
6 States Government conducts in furtherance
7 of the purposes of this Act; and

8 (B) carry out the functions described in
9 subsection (c).

10 (4) AUTHORITY.—The Coordinator will report
11 directly to the Secretary of State.

12 (c) FUNCTIONS.—

13 (1) ADVISORY.—Unless otherwise specified in
14 law, the Coordinator shall serve as the primary advi-
15 sor to the Secretary of State and the President in
16 all matters related to—

17 (A) global family preservation and reunifi-
18 cation; and

19 (B) the provision of permanent parental
20 care for orphans.

21 (2) DIPLOMATIC REPRESENTATION.—

22 (A) IN GENERAL.—Subject to the direction
23 of the President and the Secretary of State, the
24 Coordinator shall represent the United States
25 in matters and cases relevant to family preser-

1 vation and reunification and permanent paren-
2 tal care in—

3 (i) contacts with foreign governments,
4 nongovernmental organizations, intergov-
5 ernmental agencies, and specialized agen-
6 cies of the United Nations and other inter-
7 national organizations of which the United
8 States is a member;

9 (ii) multilateral conferences and meet-
10 ings relevant to family preservation, reuni-
11 fication, and permanent parental care for
12 orphaned children; and

13 (iii) fulfillment of the diplomatic re-
14 sponsibilities designated to the central au-
15 thority under title I of the Intercountry
16 Adoption Act of 2000 (42 U.S.C. 14911 et
17 seq.).

18 (B) WAIVER.—The Secretary of State may
19 waive the requirements of subparagraph (A)
20 if—

21 (i) representation by the Coordinator
22 would interfere with the Secretary's con-
23 stitutional duty to represent the United
24 States; or

1 (ii) representation by another high
2 level official would be more appropriate or
3 beneficial.

4 (3) POLICY DEVELOPMENT.—

5 (A) IN GENERAL.—The Coordinator
6 shall—

7 (i) advise and support the Secretary
8 of State in the development of a com-
9 prehensive, global strategy to promote the
10 preservation and reunification of families
11 and the provision of permanent parental
12 care for orphans; and

13 (ii) advise and support foreign govern-
14 ments with the development of sound pol-
15 icy regarding—

16 (I) preservation and reunification
17 of families; and

18 (II) the provision of permanent
19 parental care for orphans.

20 (B) BEST PRACTICES.—In developing poli-
21 cies under this Act, the Coordinator should
22 identify and engage evidence-based programs
23 and best practices in family preservation, reuni-
24 fication and permanent parental care derived

1 from a wide variety of both domestic and global
2 policy and practice leaders.

3 (C) CULTURAL SENSITIVITY.—In devel-
4 oping policies under this Act, the Coordinator
5 should take into account cultural norms for
6 each country to the extent consistent with the
7 overall purposes of this Act.

8 (D) PRINCIPLE OF SUBSIDIARITY.—In de-
9 veloping policies and programs under this Act,
10 the Coordinator should—

11 (i) attempt to reunify children with
12 their family before pursuing adoption, legal
13 kinship or legal guardianship and domestic
14 adoption; and

15 (ii) ensure that reasonable efforts
16 have been made to provide permanent pa-
17 rental care domestically before inter-
18 national.

19 (E) TECHNICAL ASSISTANCE.—The Coor-
20 dinator shall provide technical assistance to for-
21 eign countries to help build their capacities to
22 strengthen family preservation, reunification,
23 and permanent parental care policies, services,
24 and practices, including—

1 (i) assistance with the drafting, dis-
2 seminating, and implementing of legisla-
3 tion for family preservation and reunifica-
4 tion and the provision of permanent paren-
5 tal care;

6 (ii) assistance with the development of
7 systems designed to support family preser-
8 vation, reunification and permanent paren-
9 tal care for institutionalized orphans;

10 (iii) assistance with the establishment
11 of public, private, and faith- and commu-
12 nity-based partnerships designed to sup-
13 port the preservation and reunification of
14 families and permanent parental care for
15 orphans;

16 (iv) assistance with the development
17 of workforce training for governmental and
18 nongovernmental staff working to support
19 the preservation and reunification of fami-
20 lies and permanent parental care for or-
21 phans; and

22 (v) assistance with infrastructure de-
23 velopment and data collection techniques
24 necessary to—

1 (I) support the biennial census
2 required under paragraph (6)(A);

3 (II) collect permanency indicators
4 described in paragraph (6)(B);

5 (III) collect the data necessary to
6 determine to what extent countries
7 meet the minimum standards de-
8 scribed in section 103; and

9 (IV) organizing exchanges for
10 child welfare, adoption, and other so-
11 cial service professionals working to
12 support the preservation and reunifi-
13 cation of families and permanent pa-
14 rental care for orphans.

15 (F) PRESERVATION OF THE FAMILY AND
16 PERMANENT PARENTAL CARE CONFERENCE.—
17 In fiscal year 2011, and every 2 years there-
18 after, the Secretary of State—

19 (i) shall conduct a conference on best
20 practices and successful strategies for the
21 preservation and reunification of families
22 and the provision of permanent parental
23 care for orphans;

24 (ii) share and address key issues rel-
25 ative to—

- 1 (I) the most current biennial cen-
2 sus data collected under paragraph
3 (6)(A);
- 4 (II) the permanency indicator
5 data collected under paragraph
6 (6)(B); and
- 7 (III) the data collected from the
8 Global Best Practices Pilot Program
9 under section 104(c);
- 10 (iii) disseminate information regard-
11 ing best practices for building country and
12 regional capacity to decrease the number
13 of orphans;
- 14 (iv) disseminate information regarding
15 strategies for financially sustaining activi-
16 ties to support family preservation and re-
17 unification and permanent parental care;
- 18 (v) disseminate information regarding
19 best practices in international adoption
20 and in preventing corruption; and
- 21 (vi) disseminate best methods and
22 practices for assessing progress and quality
23 for moving children into permanent paren-
24 tal care in a safe and timely way.

25 (4) COORDINATION.—

1 (A) IN GENERAL.—The Office shall coordi-
2 nate the foreign policy and assistance of the
3 United States in support of—

4 (i) families at risk of dissolution; and

5 (ii) orphans in need of permanent pa-
6 rental care.

7 (B) COORDINATION BETWEEN DOMESTIC
8 AND INTERNATIONAL POLICY.—To the extent
9 possible, the Coordinator shall work with the
10 Secretary of Health and Human Services to
11 maintain consistency between United States
12 foreign and domestic policy on family preserva-
13 tion and reunification and permanent parental
14 care.

15 (5) COMMUNICATION.—

16 (A) IN GENERAL.—The Office shall build
17 global awareness of its purpose and activities.

18 (B) WEBSITE.—To carry out subpara-
19 graph (A), the Office shall maintain a Website
20 that includes—

21 (i) a description of the global prob-
22 lems related to orphans and children in in-
23 stitutional and temporary non-family care;

24 (ii) the status of activities being car-
25 ried out by the Office;

1 (iii) the progress made by the Office
2 to achieve its goals;

3 (iv) current research, reports, policy,
4 training opportunities, evaluation, and
5 methodology describing best practices;

6 (v) information collected by the bien-
7 nial census under paragraph (6)(A);

8 (vi) permanency indicators collected
9 under paragraph (6)(B);

10 (vii) the annual report submitted to
11 Congress under paragraph (6)(C);

12 (viii) the status of site results for the
13 study of global best practices conducted
14 under section 104(c)(1);

15 (ix) requests for proposals, grant or
16 contract awards, amounts, purposes, and
17 lessons learned during implementation; and

18 (x) a summary of the scope and
19 progress of country projects funded by the
20 Office.

21 (6) REPORTS, RESEARCH, AND ASSESS-
22 MENTS.—

23 (A) BIENNIAL CENSUS OF CHILDREN
24 WITHOUT PERMANENT PARENTAL CARE.—

1 (i) IN GENERAL.—Not later than De-
2 cember 31, 2010, and every 2 years there-
3 after, the Office shall develop, oversee,
4 support, and publish the results of a cen-
5 sus of all children who live outside perma-
6 nent parental care. The census shall enu-
7 merate the number of children, categorized
8 by sex and age, who reside—

9 (I) in a public or private orphan-
10 age;

11 (II) in a hospital or other med-
12 ical institution or treatment facility;

13 (III) in temporary or long-term
14 family-based foster care;

15 (IV) in a group home;

16 (V) in a residential or congrega-
17 tional facility, regardless of the avail-
18 ability of treatment services;

19 (VI) in kinship care without legal
20 status or the presence of adult family
21 members; or

22 (VII) in a dormitory or other
23 permanent or temporary living situa-
24 tion in which a government or non-

1 governmental organization places chil-
2 dren who do not have parental care.

3 (ii) CENSUS COUNTRIES.—The data
4 collected under clause (i) shall include all
5 member countries of the United Nations.

6 (iii) DELEGATE.—The Coordinator
7 may delegate the responsibility for con-
8 ducting the census to a third party if—

9 (I) such party has expertise in
10 human or social services and inter-
11 national quantitative data collection
12 and analysis; and

13 (II) such a delegation is con-
14 sistent with the overall goals of this
15 Act.

16 (B) PERMANENCY INDICATORS FOR CHIL-
17 DREN WITHOUT PERMANENT PARENTAL
18 CARE.—

19 (i) IN GENERAL.—The Office shall
20 collect available data related to a series of
21 policy and practice indicators on the capac-
22 ity of foreign governments to offer perma-
23 nency as an option for orphaned children.

24 (ii) DATA.—Data collected under
25 clause (i) shall include—

1 (I) the number of families pro-
2 vided preservation services and the
3 number of such families that re-
4 mained intact after receiving such
5 services;

6 (II) the number of children in in-
7 stitutions who were reunified with
8 their respective families;

9 (III) the number of children
10 placed in a permanent family through
11 domestic adoption and the living situ-
12 ation of such children before such per-
13 manent placement;

14 (IV) the number of children who
15 were placed in a permanent family
16 through legal guardianship and their
17 living situation before such permanent
18 placement;

19 (V) the number of children who
20 were placed in a permanent family
21 through international adoption and
22 the living situation of such children
23 before such permanent placement;

24 (VI) the number of children who
25 were placed in legal or informal kin-

1 ship care and their placement pre-kin-
2 ship care;

3 (VII) the number of children who
4 moved from temporary foster care to
5 long-term foster care;

6 (VIII) the number of children
7 who re-entered institutional care after
8 moving into permanent parental care;
9 and

10 (IX) the length of time children
11 are spending in institutional or foster
12 care.

13 (iii) DELEGATE.—The Coordinator
14 may delegate the responsibility for col-
15 lecting data on permanency indicators
16 under this paragraph to a third party if—

17 (I) the third party has expertise
18 in human or social services and inter-
19 national quantitative data collection;
20 and

21 (II) such a delegation is con-
22 sistent with the overall goals of this
23 Act.

24 (iv) CONSULTATION.—The Coordi-
25 nator may consult with the Millennium

1 Challenge Corporation, the Department of
2 Homeland Security, the United States
3 Agency for International Development, the
4 United Nations, the United States Depart-
5 ment of Health and Human Services,
6 UNICEF, the World Health Organization,
7 and other aid- or child welfare-related net-
8 works and organizations to—

9 (I) identify and expand existing
10 reporting networks; and

11 (II) refine common definitions of
12 indicators.

13 (v) UNITED STATES INDICATORS.—
14 The Secretary of Health and Human Serv-
15 ices shall provide the Coordinator with the
16 information required to be collected under
17 this paragraph relating to individuals and
18 families residing in the United States.

19 (vi) REPORT.—Not later than Decem-
20 ber 31, 2011, and every 2 years thereafter,
21 the Office shall publish a report that in-
22 cludes the data described in clause (ii).

23 (C) ANNUAL REPORT TO CONGRESS.—Not
24 later than September 1 of each year, the Sec-

1 retary of State shall submit to Congress an an-
2 nual report that includes—

3 (i) a description of the global status of
4 orphans;

5 (ii) a description of the activities of
6 the Office in support of family preservation
7 and reunification and permanent parental
8 care for orphans;

9 (iii) estimates from the most recent
10 biennial census of the number of children
11 living without permanent parental care;

12 (iv) a description of the status of fam-
13 ily preservation, reunification, and perma-
14 nent parental care initiatives underway in
15 each foreign country receiving financial as-
16 sistance under this Act;

17 (v) a description of—

18 (I) the major challenges faced by
19 governments that are resulting in an
20 increase in the numbers of orphans;
21 and

22 (II) barriers which are preventing
23 governments from achieving perma-
24 nent parental care for orphans;

1 (vi) trends in increasing or decreasing
2 risks for orphans and families at risk of
3 dissolution;

4 (vii) a listing of the governments that
5 do not meet minimum standards described
6 in section 103(a);

7 (viii) trends toward improvement in
8 family preservation and reunification;

9 (ix) trends in domestic and inter-
10 national adoption, foster care, and institu-
11 tional care;

12 (x) the most current permanency indi-
13 cators described in subparagraph (B); and

14 (xi) movement toward implementation
15 of permanency related laws and conven-
16 tions.

17 (7) GRANTS.—The Office shall oversee the pro-
18 vision of technical and financial assistance, including
19 grants, pilot programs, and demonstrations, to gov-
20 ernments and nongovernmental organizations to pro-
21 mote family preservation, reunification, and perma-
22 nent parental care for orphans.

1 **SEC. 102. POLICY COORDINATING COMMITTEE IN SUPPORT**
2 **OF ORPHAN POLICY, DIPLOMACY, AND DE-**
3 **VELOPMENT.**

4 (a) **ESTABLISHMENT.**—The President shall establish
5 an interagency policy coordinating committee (referred to
6 in this section as the “Policy Coordinating Committee”),
7 which shall monitor and support international efforts in
8 family preservation, family reunification, and permanent
9 parental care for orphans.

10 (b) **APPOINTMENT.**—The President shall appoint the
11 members of the Policy Coordinating Committee, which
12 shall include—

13 (1) the Secretary of State, who shall serve as
14 Chair;

15 (2) the Administrator of the United States
16 Agency for International Development;

17 (3) the Attorney General;

18 (4) the Secretary of Health and Human Serv-
19 ices;

20 (5) the Secretary of Homeland Security; and

21 (6) any other Government official appointed by
22 the President.

23 (c) **ACTIVITIES OF COMMITTEE.**—The Policy Coordi-
24 nating Committee shall provide advice to the Office for
25 Orphan Policy Diplomacy and Development regarding—

1 (1) the development of a comprehensive global
2 strategy in accordance with the minimum standards
3 of this Act;

4 (2) financial support of programs that assist
5 countries in developing child welfare systems that—

6 (A) preserve and reunify families; and

7 (B) provide permanent parental care for
8 orphans.

9 (3) advocacy efforts with governments, non-
10 governmental organizations, and other entities to ad-
11 vance the purposes of this Act; and

12 (4) the collection of data through significant re-
13 search on family preservation, reunification, and per-
14 manent parental care methods for orphans.

15 (d) **WORKING GROUPS.**—Members of the Policy Co-
16 ordinating Committee may create small working groups
17 within their respective agencies to support and advise their
18 work on behalf of the Policy Coordinating Committee.

19 **SEC. 103. MINIMUM STANDARDS FOR THE PROVISION OF**
20 **PERMANENT PARENTAL CARE.**

21 (a) **MINIMUM STANDARDS.**—A country meets the
22 minimum standards for the provision of permanent paren-
23 tal care by a partner country if—

24 (1) the government of the country has laws,
25 practices and judicial standards that—

1 (A) protect children from abuse and ne-
2 glect;

3 (B) are aimed at reducing the number of
4 abandoned children;

5 (C) are aimed at preserving families at
6 risk of dissolution;

7 (D) are aimed at safely and appropriately
8 reunifying orphans and institutionalized chil-
9 dren with their families;

10 (E) promote legal guardianship and kin-
11 ship care;

12 (F) promote domestic adoption;

13 (G) allow for international adoption; and

14 (H) promote the physical and emotional
15 well-being and protection of children while they
16 are waiting for reunification or placement with
17 a permanent family;

18 (2) the government of the country is—

19 (A) keeping a significant percentage of
20 families at risk of dissolution intact;

21 (B) reuniting a significant percentage of
22 orphans and institutionalized children with safe
23 families and relatives; and

1 (C) moving a significant percentage of or-
2 phans into permanent parental care when it is
3 determined that they cannot be reunified; and

4 (3) the numbers of children aging out of insti-
5 tutions or foster care in such country is decreasing
6 by a significant percentage each year.

7 (b) CRITERIA.—A country is eligible for assistance
8 from the Office for Orphan Policy Diplomacy and Devel-
9 opment under this Act if the government of the country—

10 (1) publicly acknowledges the need for family
11 preservation, reunification and permanent parental
12 care for orphans; and

13 (2) demonstrates a commitment to develop im-
14 proved laws, policies, infrastructures, and training
15 programs to preserve and reunify with safe families
16 and provide permanent parental care for orphans
17 by—

18 (A) developing formal strategic plans to
19 develop laws and infrastructure to address
20 shortcomings related to meeting the minimum
21 standards described in subsection (a);

22 (B) allocating resources to study the issues
23 described in subparagraph (A); or

24 (C) expending or setting aside sufficient
25 funds, to help build child welfare and judicial

1 infrastructure and enact laws to address short-
2 comings related to meeting such minimum
3 standards.

4 **SEC. 104. GRANT, PILOT, AND DEVELOPMENT PROGRAMS.**

5 (a) ASSISTANCE TO FOREIGN GOVERNMENTS.—
6 Chapter 1 of part I of the Foreign Assistance Act of 1961
7 (22 U.S.C. 2151 et seq.) is amended—

8 (1) by redesignating section 135, as added by
9 section 5(a) of Public Law 109–121, as section 137;
10 and

11 (2) by inserting after section 135, as added by
12 section 3 of Public Law 109–95, the following:

13 **“SEC. 136. ASSISTANCE TO FOREIGN GOVERNMENTS.**

14 **“(a) ASSISTANCE TO MEET MINIMUM STAND-**
15 **ARDS.—**The President is authorized to provide assistance
16 to foreign countries directly, or through nongovernmental
17 and multilateral organizations, for programs, projects, and
18 activities designed to assist the country to meet the min-
19 imum standards described in section 103(a) of the Fami-
20 lies for Orphans Act of 2009.

21 **“(b) ASSISTANCE TO FOREIGN GOVERNMENTS THAT**
22 **MEET MINIMUM STANDARDS.—**

23 **“(1) IN GENERAL.—**The President is author-
24 ized to provide assistance, including trade and debt
25 relief, to any foreign country that demonstrates suc-

1 cess in meeting the majority of the minimum stand-
2 ards and other goals described in paragraph (2).

3 “(2) PLAN.—The government of a country de-
4 siring assistance under this subsection shall dem-
5 onstrate a commitment to meeting the minimum
6 standards described in section 103(a) of the Fami-
7 lies for Orphans Act of 2009 by independently, or
8 with assistance from the Office for Orphan Policy
9 Diplomacy and Development, developing—

10 “(A) a detailed, long-term strategic plan
11 for meeting such minimum standards and re-
12 lated long-range goals; and

13 “(B) a 1-year or 2-year operational plan
14 that describes the immediate steps that the for-
15 eign government will take toward meeting such
16 minimum standards.”.

17 (b) ASSISTANCE IN SUPPORT OF FAMILY PRESERVA-
18 TION, REUNIFICATION AND PERMANENT PARENTAL CARE
19 FOR ORPHANS.—

20 (1) IN GENERAL.—The Secretary of State is
21 authorized to make grants to nongovernmental agen-
22 cies working to promote permanent parental care for
23 orphans, in accordance with the results of the global
24 best practices study conducted under subsection (c).

1 (2) USE OF FUNDS.—Grants received under
2 this subsection can be used to—

3 (A) improve public policy in support of the
4 preservation and reunification of families and
5 permanent parental care for orphans;

6 (B) reduce the number of children aban-
7 doned;

8 (C) reduce the number of families at risk
9 of dissolution;

10 (D) increase the number of children reuni-
11 fied with their parents;

12 (E) increase the number of children ob-
13 taining legal guardianship and kinship care;

14 (F) increase the number of children placed
15 for adoption domestically;

16 (G) support international adoption for chil-
17 dren who cannot be adopted domestically, or re-
18 unified with their biological parents;

19 (H) draft laws and develop systems de-
20 signed to promote ethical, evidence-based prac-
21 tice in international adoption;

22 (I) increase the level of expertise and un-
23 derstanding of foreign governments working to
24 preserve and reunify families and promote per-
25 manent parental care for orphans;

1 (J) create and support connections with
2 caring, committed adults to older children at
3 risk of or in the process of aging out of institu-
4 tional care;

5 (K) develop mentoring, visitation and fos-
6 ter adopt programs aimed at recruiting a larger
7 number of individuals willing to provide perma-
8 nent parental care for orphans;

9 (L) increase adoption support services; and

10 (M) create and improve child welfare and
11 judicial infrastructures, that strengthen and
12 support permanent family care for orphans.

13 (3) ELIGIBILITY CRITERIA.—To the extent pos-
14 sible, grants shall be awarded under this subsection
15 to organizations that have demonstrated—

16 (A) experience in the area of child welfare
17 and judicial policy, family preservation, reunifi-
18 cation, permanent parental care for orphans;

19 (B) success in working with the in-country
20 governmental agencies responsible for care of
21 children; and

22 (C) adherence to the child welfare laws of
23 the foreign government in which such organiza-
24 tions are located.

25 (c) GLOBAL BEST PRACTICES.—

1 (1) STUDY ON GLOBAL BEST PRACTICES.—

2 (A) IN GENERAL.—Not later than 90 days
3 after the date of the enactment of this Act, the
4 Secretary of State shall initiate a study to iden-
5 tify global best practices for—

6 (i) preserving and reunifying families;

7 and

8 (ii) providing permanent parental care
9 for orphans.

10 (B) IDENTIFICATION OF FACTORS.—In
11 conducting the study under subparagraph (A),
12 the Secretary shall identify—

13 (i) evidence-based programs that are
14 demonstrated to provide permanent paren-
15 tal care in a timely manner;

16 (ii) policy and practices that result in
17 increased deinstitutionalization of children;

18 (iii) legislation globally that requires
19 and supports permanent parental care;

20 (iv) factors that decrease the dissolu-
21 tion of families; and

22 (v) best practices for promoting eth-
23 ical international adoption practices.

24 (C) REPORT.—Not later than 1 year after
25 initiating the study under this paragraph, the

1 Secretary shall publish a report on the best
2 practices identified in the study.

3 (D) USE OF STUDY RESULTS.—The Sec-
4 retary shall use the results of the study con-
5 ducted under this paragraph to guide and in-
6 form—

7 (i) the award of all grants under this
8 Act; and

9 (ii) all activities in the global best
10 practices pilot program carried out under
11 paragraph (2).

12 (2) GLOBAL BEST PRACTICES PILOT PRO-
13 GRAM.—

14 (A) IN GENERAL.—Upon completing the
15 study described in paragraph (1), the Secretary
16 of State shall establish and carry out a global
17 best practices pilot program.

18 (B) PURPOSES.—The purposes of the pro-
19 gram established pursuant to subparagraph (A)
20 shall be to—

21 (i) demonstrate how research-based
22 policies and programs to provide orphans
23 with permanent parental care can be suc-
24 cessfully implemented;

1 (ii) establish model programs that,
2 once tested for effectiveness, will be avail-
3 able, replicable, and adaptable on a global
4 basis;

5 (iii) identify a comprehensive series of
6 interventions, which result in family pres-
7 ervation, reunification, and permanent pa-
8 rental care for orphans; and

9 (iv) determine which in-country fac-
10 tors enhance or negate efforts to achieve
11 family preservation, reunification and per-
12 manent parental care for orphans.

13 (C) SELECTION OF SITES.—

14 (i) NUMBER OF SITES.—In carrying
15 out the pilot program established under
16 this paragraph, the Secretary of State
17 shall select and establish not fewer than 5
18 sites, each of which shall be located in a
19 different region of the world.

20 (ii) PRIORITIES.—In selecting sites
21 under clause (i), the Secretary shall con-
22 sider—

23 (I) cultural, geographic, and eco-
24 nomic diversity of countries included
25 in the region;

1 (II) whether governments within
2 the region have sufficient infrastruc-
3 ture and capacity to support the pilot
4 program; and

5 (III) the incidence of abandoned
6 children and children in institutional
7 care in the region and culture.

8 (iii) DELEGATION.—The Coordinator
9 for Orphan Policy Diplomacy and Develop-
10 ment may delegate implementation of the
11 pilot program under this paragraph to 1 or
12 more organizations that have experience in
13 the use of evidence-based programs to pro-
14 mote family preservation, reunification or
15 permanent parental care for orphans.

16 (iv) ANNUAL REPORT.—Not later
17 than 1 year after the date on which the
18 first pilot program is established under
19 this paragraph, and each subsequent year,
20 the Coordinator shall publish a report on
21 the status of, and lessons learned in, the
22 pilot program.

23 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

24 (1) OPERATIONS.—There are authorized to be
25 appropriated for the administrative costs associated

1 with carrying out the duties of the Office for Orphan
2 Policy Diplomacy and Development—

3 (A) \$3,000,000 for fiscal year 2010; and

4 (B) such sums as may be necessary for
5 each subsequent fiscal year.

6 (2) ASSISTANCE TO FOREIGN GOVERNMENTS.—

7 There are authorized to be appropriated for assist-
8 ance to foreign governments under section 136 of
9 the Foreign Assistance Act of 1961—

10 (A) \$5,000,000 for fiscal year 2010; and

11 (B) such sums as may be necessary for
12 each subsequent fiscal year.

13 (3) GRANTS TO SUPPORT PERMANENT PAREN-
14 TAL CARE.—There is authorized to be appropriated
15 for grants under section 104(b)—

16 (A) \$5,000,000 for fiscal year 2010; and

17 (B) such sums as may be necessary for
18 each subsequent fiscal year.

19 (4) GLOBAL BEST PRACTICES PILOT PRO-
20 GRAM.—There are authorized to be appropriated to
21 the Secretary of State to carry out section 104—

22 (A) \$3,000,000 for fiscal year 2010; and

23 (B) such sums as may be necessary for
24 each subsequent fiscal year.

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