

fects of the placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity;”.

Subsec. (b)(7) to (10). Pub. L. 104-235, §212(2)(B), (C), added par. (7) and redesignated former pars. (7) to (9) as (8) to (10), respectively.

Subsec. (d)(2). Pub. L. 104-235, §212(3), designated existing provisions as subpar. (A), substituted “that describes the manner in which the State will use funds during the 3 fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be” for “for each fiscal year”, and added subpar. (B).

1992—Subsec. (a). Pub. L. 102-295, §403(1), inserted “, on-site technical assistance” after “consultant services” and “including salaries and travel costs,” after “administrative expenses,” and inserted at end “The Secretary shall, not later than 12 months after May 28, 1992, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this subchapter, and such reports shall be made available to the public.”

Subsec. (b)(1), (2). Pub. L. 102-295, §403(2)(A), (B), added par. (2), redesignated former par. (2) as (1), and struck out former par. (1) which read as follows: “provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system;”.

Subsec. (b)(4). Pub. L. 102-295, §403(2)(C), inserted “, and to promote professional leadership training of minorities in the adoption field”.

Subsec. (b)(8), (9). Pub. L. 102-295, §403(2)(D), added par. (8) and redesignated former par. (8) as (9).

1988—Subsec. (b)(8). Pub. L. 100-294, §202(a), added par. (8).

Subsecs. (c), (d). Pub. L. 100-294, §202(b), (c), added subsecs. (c) and (d).

1984—Subsec. (a). Pub. L. 98-457, §203(a), (b)(1), substituted “Health and Human Services” for “Health, Education, and Welfare” and inserted provision requiring the Secretary to make available services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs.

Subsec. (b). Pub. L. 98-457, §203(c)(1), substituted “this subchapter” for “subsection (a) of this section” in provisions preceding par. (1).

Subsec. (b)(1). Pub. L. 98-457, §203(c)(2), substituted “provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system” for “provide (directly or by grant to or contract with public or private nonprofit agencies and organizations) for the establishment and operation of a national adoption and foster care data gathering and analysis system utilizing data collected by States pursuant to requirements of law”.

Subsec. (b)(4). Pub. L. 98-457, §203(c)(3)(A), substituted “adoptive family groups and minority groups” for “parent groups”.

Subsec. (b)(5), (6). Pub. L. 98-457, §203(c)(3)(B), (C), added pars. (5) and (6). Former par. (5) redesignated (7).

Subsec. (b)(7). Pub. L. 98-457, §203(c)(3)(C), (D), redesignated former par. (5) as (7) and substituted “Health and Human Services” for “Health, Education, and Welfare”.

KINSHIP CARE

Pub. L. 105-89, title III, §303, Nov. 19, 1997, 111 Stat. 2129, provided that:

“(a) REPORT.—

“(1) IN GENERAL.—The Secretary of Health and Human Services shall—

“(A) not later than June 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as ‘kinship care’); and

“(B) not later than June 1, 1999, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

“(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

“(ii) include the policy recommendations of the Secretary with respect to the matter.

“(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—

“(A) include, to the extent available for each State, information on—

“(i) the policy of the State regarding kinship care;

“(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race, and the relationship of the kinship care providers to the children);

“(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

“(iv) how much access to the child is afforded to the parent from whom the child has been removed;

“(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

“(vi) the permanency plan for the child and the actions being taken by the State to achieve the plan;

“(vii) the services being provided to the parent from whom the child has been removed; and

“(viii) the services being provided to the kinship care provider; and

“(B) specifically note the circumstances or conditions under which children enter kinship care.

“(b) ADVISORY PANEL.—

“(1) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster parents, relative caregivers, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

“(2) DUTIES.—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than October 1, 1998, submit to the Secretary comments on the report.”

§ 5114. Study and report of unlicensed or unregulated adoption placements

(a) In general

The Secretary shall provide for a study (the results of which shall be reported to the appropriate committees of the Congress not later than eighteen months after June 25, 2003) designed to determine—

(1) the nature, scope, and effects of the interstate (and, to the extent feasible, intrastate) placement of children in adoptive homes (not including the homes of stepparents or rel-

atives of the child in question) by persons or agencies.¹

(2) how interstate placements are being financed across State lines;

(3) recommendations on best practice models for both interstate and intrastate adoptions; and

(4) how State policies in defining special needs children differentiate or group similar categories of children.

(b) Dynamics of successful adoption

The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after June 25, 2003.

(c) Interjurisdictional adoption

Not later than 1 year after June 25, 2003, the Secretary shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.

(Pub. L. 95-266, title II, §204, Apr. 24, 1978, 92 Stat. 210; Pub. L. 108-36, title II, §§203, 204, June 25, 2003, 117 Stat. 821.)

AMENDMENTS

2003—Pub. L. 108-36 designated existing provisions as subsec. (a), inserted subsec. heading and par. (1) designation, substituted “June 25, 2003” for “April 24, 1978” and “to determine—” for “to determine”, struck out “which are not licensed by or subject to regulation by any governmental entity” after “by persons or agencies”, and added pars. (2) to (4) and subsecs. (b) and (c).

§ 5115. Authorization of appropriations

(a) There are authorized to be appropriated \$40,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2015 to carry out programs and activities authorized under this subchapter.

(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 5113 of this title.

(c) The Secretary shall ensure that funds appropriated pursuant to authorizations in this subchapter shall remain available until expended for the purposes for which they were appropriated.

(Pub. L. 95-266, title II, §205, Apr. 24, 1978, 92 Stat. 211; Pub. L. 98-457, title II, §204, Oct. 9, 1984, 98 Stat. 1757; Pub. L. 100-294, title II, §201, Apr. 25, 1988, 102 Stat. 122; Pub. L. 102-295, title IV, §404, May 28, 1992, 106 Stat. 214; Pub. L. 104-235, title II, §213, Oct. 3, 1996, 110 Stat. 3091; Pub. L. 108-36, title II, §205, June 25, 2003, 117 Stat. 822; Pub. L. 111-320, title III, §301(c), Dec. 20, 2010, 124 Stat. 3513.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this subtitle”, and was translated as reading

¹ So in original. The period probably should be a semicolon.

“this title”, meaning title II of Pub. L. 95-266, to reflect the probable intent of Congress, because Pub. L. 95-266 does not contain subtitles.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-320, §301(c)(1), substituted “2010” for “2004” and “2011 through 2015” for “2005 through 2008”.

Subsecs. (b), (c). Pub. L. 111-320, §301(c)(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

2003—Subsec. (a). Pub. L. 108-36 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There are authorized to be appropriated, \$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized.”

1996—Subsec. (a). Pub. L. 104-235, §213(1), substituted “\$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized” for “\$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out programs and activities under this subchapter except for programs and activities authorized under sections 5113(b)(9) and 5113(c)(1) of this title”.

Subsecs. (b), (c). Pub. L. 104-235, §213(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “For any fiscal year in which appropriations under subsection (a) of this section exceeds \$5,000,000, there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(b)(9) of this title, and there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(c)(1) of this title.”

1992—Subsec. (a). Pub. L. 102-295, §404(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “There are hereby authorized to be appropriated \$6,000,000 for the fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out programs and activities under this subchapter except for programs and activities authorized under sections 5113(b)(8) and 5113(c)(1) of this title.”

Subsec. (b). Pub. L. 102-295, §404(2), substituted “\$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(b)(9) of this title, and there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 5113(c)(1) of this title” for “\$3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 5113(b)(8) of this title, and there are authorized to be appropriated \$3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 5113(c)(1) of this title”.

1988—Pub. L. 100-294 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated \$5,000,000 for the fiscal year ending September 30, 1978, such sums as may be necessary for the succeeding three fiscal years, and \$5,000,000 for each of the fiscal years 1984, 1985, 1986, and 1987, to carry out this subchapter.”

1984—Pub. L. 98-457 inserted provisions authorizing appropriations of \$5,000,000 for each of fiscal years 1984, 1985, 1986, and 1987.

§ 5115a. Repealed. Pub. L. 104-188, title I, § 1808(d), Aug. 20, 1996, 110 Stat. 1904

Section, Pub. L. 103-382, title V, §553, Oct. 20, 1994, 108 Stat. 4056, related to multiethnic placements.