

115TH CONGRESS
2D SESSION

S. 3173

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.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Ms. KLOBUCHAR (for herself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 2018”.

1 **SEC. 2. TREATMENT OF UNREGULATED CUSTODY TRANS-**
 2 **FER.**

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

6 (1) in paragraph (2)—

7 (A) by striking “or an act or failure” and
 8 inserting “an act or failure”; and

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

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

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

15 (4) by adding at the end the following new
 16 paragraph:

17 “(9) the term ‘unregulated custody transfer’
 18 means the abandonment of a child, by the child’s
 19 parent, legal guardian, or a person or entity acting
 20 on behalf, and with the consent, of such parent or
 21 guardian—

22 “(A) by placing a child with a person who
 23 is not—

24 “(i) the child’s parent, step-parent,
 25 grandparent, adult sibling, adult uncle or
 26 aunt, legal guardian, or other relative;

1 “(ii) a friend of the family who is an
 2 adult and with whom the child is familiar;
 3 or

4 “(iii) a member of the federally recog-
 5 nized Indian tribe of which the child is also
 6 a member;

7 “(B) with the intent of severing the rela-
 8 tionship between the child and the parent or
 9 guardian of such child; and

10 “(C) without—

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

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

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