

Adoption Advocate



Adoption in the New Congress and Beyond

BY CAROLYN BOLTON

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Adoption on Capitol Hill

As we look to the new Congress, the National Council For Adoption team is ready to educate and advocate for our policy priorities. Those issues include, among others, spreading awareness about adoption, protecting those involved with adoption plans, making adoption more affordable, and reducing the timeframes that adoption-eligible children spend in foster care.

Need for New Adoption Champions

Several adoption-related bills will have to be re-drafted and re-introduced this year. We hope to find new incumbent champions

in the 119th Congress and some adoption champions among the freshman senators and representatives.

Take, for example, the [ADOPT Act](#)¹. Championed in the 118th Congress by retired Rep. Annie Kuster, the bill would have prohibited unlicensed adoption intermediaries from advertising in states where they are not licensed. We anticipate that this bill will have strong bipartisan, bicameral co-leadership this Congress, but — because Rep. Kuster retired² — it will need a new champion who understands the issue and is willing to shepherd this bill through Congress and to the president's desk.

The [PAPA Act](#)³ will likewise need a champion in the 119th Congress. Also sponsored by Rep. Kuster, the PAPA Act would have established a national responsible-father registry — widening the network in which putative fathers can be informed of an adoption proceeding.

¹ ADOPT Act of 2023, H.R. 6220, 118th Congress. (2023). <https://www.congress.gov/bill/118th-congress/house-bill/6220>

² Alfaro, M. (2024, March 27). New Hampshire democratic rep. Ann Kuster to retire from congress. *The Washington Post*. <https://www.washingtonpost.com/politics/2024/03/27/annie-kuster-retiring-house/>

³ PAPA Act, H.R. 6529, 118th Congress. (2023). <https://www.congress.gov/bill/118th-congress/house-bill/6529/text>

The [Adoption Counts Act](#)⁴ would require the Children’s Bureau to maintain a bank of data on the number of private domestic adoptions so lawmakers and adoption professionals can better understand what is happening at the state level regarding private adoptions. Rep. Doug Lamborn sponsored the legislation but—like Rep. Kuster—he retired at the end of the 118th Congress. Consequently, this bill will also need a new sponsor, as accurate adoption data will help guide sound policy decisions on where to concentrate adoption funding.

The retired congressman from Colorado sponsored the [In Good Standing Act](#)⁵ as well. It will also require a new champion and would direct the Secretary of Health and Human Services to maintain a publicly available list of licensed or accredited private adoption agencies.

Yet another piece of pro-adoption legislation in need of a new champion is the [Adoption Tax Credit Refundability Act](#).⁶ The bill would have made the existing federal adoption tax credit refundable, meaning even families with low or no federal tax liability could receive support from this credit.

Awareness and Promotion

Many Americans do not know how adoption works, or they may have outdated or other misinformation about adoption processes. By promoting accurate, non-directive information about adoption, policymakers

can help constituents make more informed decisions for themselves and on behalf of their children.

In addition to educating the public about adoption, lawmakers at the state and federal level can also fund training for groups who work with those who would benefit from accurate adoption information, like healthcare providers who serve expectant mothers. For example, in 2024, the Children’s Bureau offered a grant that would provide for the development and dissemination of adoption-sensitive clinical care training for healthcare staff who work with patients facing unplanned pregnancies.

...pay close attention to any geographic preferences or limitations that may apply to prospective families. These preferences can impact eligibility to adopt a specific child based on location.

Efforts like these, funded with federal or state dollars, can make a difference in decreasing stigma around adoption and increasing the quality of care and services that adoptees, expectant parents, birth parents, and adoptive parents receive.

⁴ Adoption Counts Act, H.R. 6700, 118th Congress. (2024). <https://www.congress.gov/bill/118th-congress/house-bill/6700/text>

⁵ In Good Standing Adoption Agencies Act of 2023, H.R. 5540, 118th Congress. (2024). <https://www.congress.gov/bill/118th-congress/house-bill/5540>

⁶ Adoption Tax Credit Refundability Act, S. 1156, 117th Congress. (2021). <https://www.congress.gov/bill/117th-congress/senate-bill/1156>

Unlicensed Intermediaries on Notice

In addition to the need for awareness around general issues related to adoption, the problem of unlicensed intermediaries is an area in need of attention in both the political and public arenas. One of the major factors driving up the cost of adoption is the unlicensed adoption intermediaries who put profit over the best interests of an expectant mother and prospective adoptive families.

There are more individuals who want to adopt than there are infants placed for adoption. This creates a window of opportunity for bad actors to prey on prospective adoptive parents, many of whom decide they want to adopt a child after pursuing expensive fertility treatments. Consequently, there are dozens of third-party unlicensed adoption intermediaries who take advantage of these circumstances. These unlicensed intermediaries charge a “matching” fee but generally don’t have attorneys or social workers on staff to appropriately finalize an adoption. When an adoption match facilitated by one of these intermediaries unravels, as is often the case when someone pursues adoption through an unlicensed broker, prospective adoptive parents have little recourse apart from costly civil litigation. Most cannot afford this, especially after losing thousands of dollars in a fraudulent adoption process. Because of complaints filed against these third-party adoption intermediaries and a good deal of advocacy on the issue, the

Federal Trade Commission sent letters to 31 unlicensed intermediaries⁷ in 2024 warning them about their misleading tactics.

Increased costs in general, coupled with these bad actors, have contributed to the high cost of adoption and have made it even more difficult for everyday families to welcome children into loving, permanent homes. In fact, private adoption is estimated to cost more than \$33,000, and many agencies and families report even higher costs.⁸

As early as this spring, Congress could reauthorize some of the provisions within the Tax Cuts and Jobs Act that otherwise expire in 2025.

The ADOPT Act would prohibit adoption intermediaries from advertising in states where they aren’t licensed. With fewer people competing for the same advertising space, licensed adoption agencies could sink less money into outbidding these unscrupulous, unlicensed baby brokers. This would help stabilize the costs associated with adoption and increase the likelihood that children are welcomed into loving, permanent homes.

⁷ Federal Trade Commission. (2024, September 24). *FTC warns adoption intermediaries against misleading parents* [Press release]. <https://www.ftc.gov/news-events/news/press-releases/2024/09/ftc-warns-adoption-intermediaries-against-misleading-parents>

⁸ Hanlon, R., & Quade, M. (2022). *Profiles in adoption: A survey of adoptive parents and secondary data analysis of federal adoption files*. National Council For Adoption. <https://adoptioncouncil.org/wp-content/uploads/2022/07/Profiles-in-Adoption-Part-One.pdf>

Adoption Affordability

As early as this spring,⁹ Congress could reauthorize some of the provisions within the Tax Cuts and Jobs Act that otherwise expire in 2025. It was through these House and Senate tax bills in 2017¹⁰ that members of Congress were able to preserve the adoption tax credit. Lawmakers could use this same process to not only preserve the adoption tax credit but to make it refundable. Making the credit ‘refundable’ means more Americans, especially lower-income families, would reap the full value of the credit. As it stands right now, the adoption tax credit allows Americans to claim up to \$16,810 in qualified expenses on their federal income taxes for 2024.¹¹ If one’s tax liability falls below this threshold, however, tax filers do not receive the full value of the credit.

With Casey’s departure from the Senate, however, the legislation will need a new leader—and the passage of [the Adoption Tax Credit Refundability Act] is a matter of urgency.

Adoption advocates for years have endeavored to create a refundable adoption tax credit. They succeeded in doing exactly that in 2010 and 2011 as part of the Affordable Care Act,¹² but the credit has not been refundable since. It is a priority of ours to help advocates on Capitol Hill draft and reintroduce legislation that would make the adoption tax credit refundable. For more than a decade, Senator Bob Casey championed a refundable adoption tax credit, repeatedly introducing the Adoption Tax Credit Refundability Act¹³ throughout his tenure as a U.S. senator and even calling on his friends in the Senate to make it a reality in 2025.

With Casey’s departure from the Senate, however, the Adoption Tax Credit Refundability Act will need a new leader—and the passage of this bill is a matter of urgency, especially for the adoption-eligible children in foster care awaiting permanent families. More than 60% of children awaiting adoption from foster care—that is, children whose parental rights were terminated or who have a case plan with the goal of adoption—spend more than two years in the system¹⁴ before they are officially adopted by their forever family. This is far too long a time to deprive children of life in a loving, permanent family. What is more, for every child who is adopted out of foster care, taxpayers save between \$65,000 and \$127,000, according to a [study](#) by Barth et al.¹⁵

⁹ Ernst & Young. (2025, January 6). *What to expect in Washington (January 6)*. EY Tax News Update. <https://taxnews.ey.com/news/2025-0129-what-to-expect-in-washington-january-6>

¹⁰ Weixel, N. (2017, November 9). *Adoption tax credit restored after conservative backlash*. The Hill. <https://thehill.com/policy/finance/359662-adoption-tax-credit-restored-after-conservative-backlash/>

¹¹ Internal Revenue Service. (n.d.). *Adoption credit*. U.S. Department of the Treasury. <https://www.irs.gov/credits-deductions/individuals/adoption-credit>

¹² Hanlon, R., & Wilmoth, B. (2025). *Understanding the adoption tax credit*. National Council For Adoption. <https://adoptioncouncil.org/publications/understanding-the-adoption-tax-credit/>

¹³ Adoption Tax Credit Refundability Act, S. 2895, 118th Congress. (2023). <https://www.congress.gov/bill/118th-congress/senate-bill/2895>

¹⁴ Davi, N. (2024, March 20). *Foster care and adoption statistics - AFCARS annual update*. National Council For Adoption. <https://adoptioncouncil.org/article/foster-care-and-adoption-statistics/>

¹⁵ Barth, R. P., Lee, C. K., Wildfire, J., & Guo, S. (2006). A comparison of the governmental costs of long-term foster care and adoption. *Social Service Review*, 80(1), 127–158. <https://doi.org/10.1086/499339>

Lower-income families pursuing adoption tend to adopt children from foster care, as foster-care adoption is generally more affordable. However, making the adoption tax credit refundable will make adoption from foster care even more accessible, especially for those on a fixed income or those adopting a child with special needs. A refundable adoption tax credit would allow lower- and middle-income families adopting children from foster care to reap the full value of the credit—something families with less income-tax liability cannot do right now.

We must explain that the money we invest in families now will pay dividends and, ultimately, increase revenue and save taxpayers money on social services.

The Joint Committee on Taxation estimates that the Adoption Tax Credit Refundability Act, as it was introduced during the 118th Congress, will cost about \$4.67 billion¹⁶ over 10 years if enacted. However, the credit more than pays for itself over that 10-year timeframe. As the Barth study says, for every child adopted out of foster care, taxpayers save as much as \$127,000—and there are about 108,000 children in foster care, as of 2022, whose parental rights were terminated and who are awaiting adoption.¹⁷

Bills like the Adoption Tax Credit Refundability Act are indeed long-term investments in children and families, and—though they come

with a price tag—they will ultimately save taxpayers money they might otherwise spend on foster care or the criminal-justice system.

Legislative success on adoption policy hinges on effectively communicating the need to support children and families. We must explain that the money we invest in families now will pay dividends and, ultimately, increase revenue and save taxpayers money on social services.

Every Adoption Counts

In addition to helping stabilize the costs associated with adoption and generally making adoption more affordable, lawmakers should prioritize the creation of an accurate information repository on the types and number of adoptions that occur every year. This would allow state and local governments and those who work in the child welfare space to have the information they need to make informed decisions as it relates to adoption policy and strategic planning, including decisions related to processes, programming, and funding.

The [Adoption Counts Act](#), had it been enacted last Congress, would have required the Children's Bureau at the Department of Health and Human Services to gather and report the number of private domestic adoptions annually. While the Department of State reports on the number of intercountry adoptions that occur annually and individual states provide data on public adoptions (adoptions from foster care), there is no federal data collected on private domestic

¹⁶ Joint Committee on Taxation, U.S. Congress. (2025). 2023 Joint Committee on Taxation Score of Adoption Tax Credit Refundability. <https://adoptioncouncil.org/wp-content/uploads/2025/01/2023-JCT-score-of-Adoption-tax-credit-refundability.pdf>

¹⁷ Davi, N. (2024, March 20). Foster care and adoption statistics - AFCARS annual update. National Council For Adoption. <https://adoptioncouncil.org/article/foster-care-and-adoption-statistics/>

adoptions in the United States. As now-retired Rep. Lamborn, who sponsored the bill in the 118th Congress, says, “Accurate information on privately managed adoptions is necessary to ensure every child is afforded the opportunity to live in a safe, secure home.”¹⁸

Homing in on the specific types of adoptions occurring will enable leaders to identify trends and, ultimately, guide sound policy as lawmakers endeavor to improve the child welfare system and bolster adoption support and services nationwide.

Intercounty Adoption Oversight

Another area of concern that lawmakers and the incoming administration should attempt to rectify is the interdepartmental gridlock at the State Department and U.S. Citizenship and Immigration Services (USCIS), both of which are responsible for processing intercountry adoption cases.

Since 2008, the federal government has been overseeing intercountry adoptions. Since that time, the number of children adopted from overseas has plummeted by over 90%.¹⁹ This is partially a result of countries closing their intercountry adoption programs. Russia²⁰ and China²¹, for example, have both closed their intercountry adoption programs. While

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it remains to be seen whether domestic adoptions in China are increasing, Russia has put policies in place to incentivize adoption within the country.²²

Another reason intercountry adoptions are plummeting, however, is because of poor policy implementation and red tape that discourages international adoption. What is more, the long wait times at the Department of State also discourage prospective parents from adopting overseas. In short, it takes far too long for the Department of State and USCIS to finalize the handful of intercountry adoptions that do take place. Those overseeing the process have failed to establish bilateral partnerships with other countries in a manner that best serves children and families.

The intercountry adoption system in the United States needs to be overhauled. It requires leaders who will put vulnerable children’s interests over politics and ideology and who are also committed to clearing the gridlock that prevents waiting children from joining loving families.

¹⁸ Fremont County Crusader. (n.d.). *Congressman Lamborn introduces bill to improve adoption transparency* [Press release]. <https://www.fremontcountycrusader.com/articles/12-12-2023-Congressman-Lamborn-Introduces-Bill-to-Improve-Adoption-Transparency.html>

¹⁹ Drumm, A. R., Davi, N., & Hanlon, R. (2025). *Adoption by the numbers: 2021 & 2022*. National Council For Adoption. Alexandria, VA. <https://adoptioncouncil.org/research/adoption-by-the-numbers/>

²⁰ U.S. Embassy in Russia. (n.d.). *Adoption*. U.S. Department of State. <https://ru.usembassy.gov/u-s-citizen-services/child-family-matters/adoption/>

²¹ Feng, E. (2024, October 15). *China ends transnational adoptions; some adoptees say they’re relieved* [Radio broadcast]. National Public Radio. <https://www.npr.org/2024/10/15/nx-s1-5137834/china-ends-transnational-adoptions-some-adoptees-say-theyre-relieved>

²² Gatti, S. (2014). After Artyom: How efforts to reform U.S.-Russia adoption failed, and what Russia must now do to ensure the welfare of her orphans. *Case Western Reserve Journal of International Law*, 46(3). <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2490&context=jil>

Children in Foster Care Awaiting Adoption

The most frequent outcome for children who enter foster care is reunification with their families. However, about one quarter²³ of all children who enter foster care exit via adoption, and often these adoptions happen only after children spend two or more years in foster care.²⁴

These long wait times to permanency are happening even though the Adoption and Safe Families Act (ASFA) says states must prioritize a timely permanency outcome for children. ASFA, for example, says children must receive a permanency hearing if they have been in the foster care system for 12 months.²⁵ If lawmakers at the state and federal level promote systems that help child welfare professionals streamline the adoption process, ultimately lawmakers and adoption professionals can stick more closely to the guidelines set forth in ASFA. Lawmakers could consider making federal funding contingent on how closely states prioritize timely permanency outcomes as outlined in ASFA. In other words, if states want their federal child-welfare tax dollars, they will need to find permanent, loving homes for kids in a timely, efficient manner.

Finally, if lawmakers again make the adoption tax credit refundable, they will encourage more families to adopt children from the foster care system. This will go a long way

toward bridging the chasm between children and permanent loving homes.

Adoptee Citizenship

The Adoptee Citizenship Act of 2024—introduced in the last Congress by Rep. Adam Smith²⁶ and Sen. Mazie Hirono²⁷—would have addressed a problem with earlier legislation that inadvertently prevented many international adoptees from receiving U.S. citizenship. Generally, those who are adopted from abroad are automatically awarded citizenship by virtue of their adoptive parents' U.S. citizenship. A handful of international adoptees, however, were inadvertently denied citizenship simply because of an oversight in the letter of the law. The Adoptee Citizenship Act of 2024 would have amended the Child Citizenship Act of 2000 to award citizenship to those who were legally brought to the United States through an intercountry adoption program but inadvertently denied U.S. citizenship because of a loophole in pre-existing law.

The bill—or a bill like it—needs to be reintroduced this Congress in the House and the Senate. There are a handful of legislative staffers and adoption advocates working to do exactly that and to ensure that those brought to the United States as legal adoptees receive long-awaited citizenship. Progress on this legislation will require both parties to work

²³ Davi, N. (2024, March 20). *Foster care and adoption statistics-AFCARS annual update*. National Council For Adoption. <https://adoptioncouncil.org/article/foster-care-and-adoption-statistics/>

²⁴ Ibid.

²⁵ Lindner, A. (2023, October 5). *Understanding the Adoption and Safe Families Act (ASFA)*. National Council For Adoption. <https://adoptioncouncil.org/publications/understanding-the-adoption-and-safe-families-act-asfa/>

²⁶ Adoptee Citizenship Act of 2024, H.R. 8617, 118th Congress. (2024). <https://www.congress.gov/bill/118th-congress/house-bill/8617>

²⁷ Adoptee Citizenship Act of 2024, S. 4448, 118th Congress. (2024). <https://www.congress.gov/bill/118th-congress/senate-bill/4448>

All international adoptees brought to the United States on guardianship for the purpose of adoption deserve the same rights and privileges as their adoptive families.

together. As Ryan Hanlon, President and CEO of National Council For Adoption, says, “The issue requires a bipartisan effort to correct past loopholes that led to some adoptees not having the citizenship they were promised.”

All international adoptees brought to the United States on guardianship for the purpose of adoption deserve the same rights and privileges as their adoptive families. Lawmakers should quickly correct this oversight and award these adoptees long-overdue citizenship. As Isaac Willour, who was adopted from India as an infant, writes in an op-ed for USA Today, “...government gridlock has resulted in real people being cut out of their deserved right to citizenship. If we care about America making good on its promises to its people, it’s far past time to remedy that.”²⁸

Conclusion

There are a handful of issues that National Council For Adoption is prioritizing for the 119th Congress as we help lawmakers shepherd new adoption-related bills onto the House and Senate floors. Those issues include adoption affordability, timely adjudications,

commonsense solutions, and policies that protect families.

It is critical that lawmakers make the adoption tax credit refundable. Doing so would help make adoption an option for those who want to grow their family and put adoption within reach for everyday families. This is especially important as costs associated with raising a family increase.

In terms of a specific action that will reduce the cost of adoption, lawmakers should ban unlicensed adoption intermediaries from advertising adoption-matching services across state lines. This will help stabilize the price of adoption and is an issue we are continuing to speak out about.

Finally, lawmakers should continue pressing for systems that expedite adoption proceedings so that children can be placed in loving, permanent homes faster. This includes improving responsible-father registries and creating a federal registry by linking state-based registries.

National Council For Adoption is committed to partnering with other organizations, policymakers, legislative staff members, and all those invested in seeing better practices and greater support for the adoption community.

To stay in touch with the team at the National Council For Adoption or for information on partnering with us to achieve our legislative priorities, email us at NCFA@adoptioncouncil.org or give us a call at 703-299-6633.

²⁸ Willour, I. (2024, October 5). Opinion: I'm an American by adoption. Close the loophole for adoptees in citizenship limbo. USA Today. <https://www.usatoday.com/story/opinion/voices/2024/10/05/adoptee-citizenship-act-adoption-immigration/74796840007/>

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Prior to advocating for families in the adoption space, Carolyn was a general-assignment reporter for the Santa Barbara News-Press, content editor for Cox Media Group and senior content specialist for CRC Advisors.

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