

SENATE BILL REPORT

SHB 1522

As Reported By Senate Committee On:
Human Services & Corrections, March 30, 1995

Title: An act relating to adoption.

Brief Description: Prohibiting delays or denials of adoptions on the basis of race, color, or national origin.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Padden, Cooke, Goldsmith, Hickel, Lambert, Boldt, Sherstad, Thompson, Johnson, Fuhrman, Mulliken, McMahan, Koster, Hargrove, Pelesky, Sheahan, Backlund, McMorris, Huff, Talcott, Carrell, Casada, Honeyford, Clements, B. Thomas, Crouse, Campbell and D. Schmidt).

Brief History:

Committee Activity: Human Services & Corrections: 3/16/95, 3/30/95 [DPA, DNP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Palmer, Schow, Smith and Strannigan.

Minority Report: Do not pass.

Signed by Senators Fairley, Kohl and Prentice.

Staff: Richard Rodger (786-7461)

Background: The adoption code does not specifically provide that adoption shall not be denied based on the race of the prospective adoptive parents or the child. The federal Multiethnic Placement Act of 1994 provides that agencies or entities which receive federal assistance may not categorically deny or delay an adoption solely on the basis of the race, color, or national origin of the prospective adoptive parents or the child involved. An agency or entity may consider the ethnic, cultural, or racial background of the child and the capacity of the prospective adoptive parents to meet the needs of a child of this background or to determine the best interests of a child.

The federal Indian Child Welfare Act imposes additional restrictions on adoptions of Native American children.

Summary of Amended Bill: An adoption must not be delayed or denied because of the adoptive parent's or child's race, color, or national origin. However, when considering various placement options, the Department of Social and Health Services (DSHS) or an agency may consider the cultural, ethnic, or racial background of the child, and the capacity of the prospective adoptive parents to meet the needs of the child of a particular background.

This provision does not affect adoptions of Native American children as provided under federal law.

DSHS and child placing agencies shall, when appropriate, follow the wishes of the parents when placing a child for adoption.

Amended Bill Compared to Substitute Bill: A clarifying amendment is made. A parental preference provision is added for when a child is being placed for adoption.

Appropriation: None.

Fiscal Note: Requested February 6, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is in response to recent changes in federal law. It ensures that adoptions will not be unnecessarily delayed or denied based on race, color, or national origin.

Testimony Against: None.

Testified: Representative Padden, prime sponsor; Dick Anderson, DSHS; Paul Shinn (pro).