

SENATE BILL REPORT

SB 5299

**AS REPORTED BY COMMITTEE ON CHILDREN & FAMILY SERVICES,
FEBRUARY 19, 1991**

Brief Description: Revising provisions for adoption.

SPONSORS: Senator L. Smith.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: That Substitute Senate Bill No. 5299 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Staff: Joanne Conrad (786-7190)

Hearing Dates: February 7, 1991; February 19, 1991

BACKGROUND:

In 1990, the Washington State Adoption Commission was established by the Senate Children and Family Services Committee to study and formulate recommended guidelines for minimum standards of practice for adoptions handled in Washington State.

The commission worked with the Department of Social and Health Services, the Office of Administrator for the Courts, the Washington State Adoption Council, the Washington State Bar Association, the Washington State Medical Association and others to prepare recommended statutory changes. Concerns addressed by the commission included the need for statewide uniformity and standards throughout the adoption process, adequate notice regarding the meaning of adoption, verification and revocation of adoption consent, and preplacement awareness of common adoption issues and cultural relevancy by adoptive parents.

SUMMARY:

Regarding consent issues, in cases of adoption of Indian children, the consent form shall contain the birth parent's statement that the child is a Native American or Alaska native, and the adoption facilitator shall have documented efforts to determine whether the federal Indian Child Welfare Act applies.

In addition, an independent witness, "free of influence," shall ascertain and attest that consent by birth parents is voluntary and uncoerced, and that the relinquishing parents are aware of their rights.

Regarding qualifications, persons preparing preplacement reports must document the training and experience that qualifies them to discuss relevant adoption issues.

Regarding notification, preplacement reports must verify that prospective adoptive parents have been made aware of the concept of adoption as a lifelong commitment, the potential for the child to experience identity confusion, relevance of the child's racial, ethnic and cultural heritage, and other issues that may be typically expected to arise in parenting an adopted child.

The adopting parents shall also be provided with specified medical records, which shall be on a standardized form, as of July, 1992.

Regarding sanctions for inappropriate advertisement of children for adoption, violations of statute shall be considered unfair or deceptive practices under consumer protection statutes, rather than misdemeanors.

EFFECT OF PROPOSED SUBSTITUTE:

The witnesses to execution of adoptive consent forms must be impartial, competent, chosen by the parent or alleged father, and identified. Persons preparing preplacement reports must state the training or experience that qualifies them to discuss relevant adoption issues. The process for obtaining written information on adoption procedures is clarified and technical changes are made.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Standardization of adoption practices and clarification of statutory language is important for birth parents, adoptive parents, attorneys and others participating in the adoption process. The Washington State Adoption Commission worked with a diversity of interests to develop a consensus on the changes needed. The bill basically represents that consensus. Changing violation of adoption advertising laws from a misdemeanor to a violation of consumer protection law, thereby bringing prosecution of such violations under the jurisdiction of the Attorney General, will strengthen public protection in this sensitive area.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Dini Duclos, Adoption Commission, Medina Children's Services; Mark Demaray, Adoption Commission, attorney, adoptive parent; Laurie Lippold, Children's Home Society; Carole Vandenbos, Adoption Commission, Washington

Adoption Rights Movement; Colleen Waterhouse and Pat Weber,
DSHS and DCFS