

# HOUSE BILL REPORT

## SHB 2529

---

As Amended by Senate

**Title:** An act relating to adoption.

**Brief Description:** Providing that persons and entities involved in adoption processes shall incur no liability.

**Sponsors:** By House Committee on Judiciary (originally sponsored by Representatives Karahalios, Veloria and Mielke).

**Brief History:**

Reported by House Committee on:  
Judiciary, February 2, 1994, DPS;  
Appropriations, February 6, 1994, DPS(JUD);  
Passed House, February 11, 1994, 96-0;  
Amended by Senate.

---

### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

**Staff:** Pat Shelledy (786-7149).

---

### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Sommers, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry and Wolfe.

**Staff:** Beth Redfield (786-7130).

**Background:** Prospective adoptive parents are entitled to receive a complete medical report about the child that the parents may adopt. The medical report must contain all available information concerning the child's mental, physical and sensory handicaps. The report must not identify the natural parents but must contain information about the natural parents' mental or physical health history that is necessary to help the adoptive parents determine proper health care for the child. Prospective adoptive parents are also entitled to a report concerning the child's family background and social history report, which includes a chronological history of the circumstances surrounding the adoption. Every person, firm, society, association or corporation which receives, secures a home for, or otherwise cares for the child who is going to be adopted must provide the information to the prospective adoptive parents.

**Summary of Bill:** State agencies are added to the list of persons and entities which must provide information about the child to the prospective adoptive parents. Entities furnishing the information only have an obligation to provide information that is "reasonably" available. Entities with a responsibility to furnish the information must make reasonable efforts to locate records and pertinent information. The entities do not have any obligation to interpret the records for the prospective adoptive parents. If the entity makes reasonable efforts to locate pertinent information and provide the information to the prospective adoptive parents, the entity will not be subject to liability regarding the child's current or future health. Failure to make reasonable efforts to locate information is ordinary negligence.

**EFFECT OF SENATE AMENDMENT(S):** Persons or adoption agencies subject to the act must provide all known and available records rather than "known and reasonably available" records. The department must develop rules which set minimum standards for "reasonable efforts" in locating records. The provision stating that an entity or person will not be liable regarding the child's health if reasonable efforts are made to locate information is stricken. Also stricken is the provision stating that the failure to make reasonable efforts is ordinary negligence.

**Fiscal Note:** Not requested.

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

**Testimony For:** (Judiciary) Adoption agencies are being sued for failing to provide information to the adopting parents about the child's medical background. Although current law

is clear about what information must be provided to adopting parents, former statutes were much less clear. In addition, the medical effects of certain behaviors, such as drinking and smoking during pregnancy, were not clear until recently. Adoption agencies must have some protection from liability for lawsuits when they operate in good faith in providing information to prospective adoptive parents.

(Appropriations) This is a proactive measure which will increase protections for adoption agencies.

**Testimony Against:** (Judiciary) None.

(Appropriations) None:

**Witnesses:** (Judiciary) Representative Sue Karahalios, prime sponsor (pro); Mark Demaray, Washington State Adoption Council (pro); Dini Duclos, Medina Children's Services (pro); Jane Silverberg, Medina Children's Services (pro); Margaret Casey, Washington State Catholic Conference (pro); and Laurie Lippold, Children's Alliance (pro).

(Appropriations) (In favor) Margaret Casey, Washington State Catholic Conference; and Laurie Lippold, Children's Alliance.

**VOTE ON FINAL PASSAGE:**

Yeas 96; Excused 2

Excused: Representatives R. Meyers, Morris