
HOUSE BILL 1452

State of Washington

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By Representatives Riley, Heavey, Brown, Flemming, Karahalios, Cooke, Wineberry, Valle, Romero, Leonard, G. Cole, Mielke, Anderson and Ballard

Read first time 01/27/93. Referred to Committee on Human Services.

1 AN ACT Relating to adoption; and amending RCW 26.33.020, 26.33.340,
2 26.33.345, 26.33.380, and 26.33.390.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.33.020 and 1990 c 146 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Alleged father" means a person whose parent-child relationship
9 has not been terminated, who is not a presumed father under chapter
10 26.26 RCW, and who alleges himself or whom a party alleges to be the
11 father of the child. It includes a person whose marriage to the mother
12 was terminated more than three hundred days before the birth of the
13 child or who was separated from the mother more than three hundred days
14 before the birth of the child.

15 (2) "Child" means a person under eighteen years of age.

16 (3) "Adoptee" means a person who is to be adopted or who has been
17 adopted.

18 (4) "Adoptive parent" means the person or persons who seek to adopt
19 or have adopted an adoptee.

1 (5) "Court" means the superior court.

2 (6) "Department" means the department of social and health
3 services.

4 (7) "Agency" means any public or private association, corporation,
5 or individual licensed or certified by the department as a child
6 placing agency under chapter 74.15 RCW or as an adoption agency.

7 (8) "Parent" means the natural or adoptive mother or father of a
8 child, including a presumed father under chapter 26.26 RCW. It does
9 not include any person whose parent-child relationship has been
10 terminated by a court of competent jurisdiction.

11 (9) "Legal guardian" means the department, an agency, or a person,
12 other than a parent or stepparent, appointed by the court to promote
13 the child's general welfare, with the authority and duty to make
14 decisions affecting the child's development.

15 (10) "Guardian ad litem" means a person, not related to a party to
16 the action, appointed by the court to represent the best interests of
17 a party who is under a legal disability.

18 (11) "Relinquish or relinquishment" means the voluntary surrender
19 of custody of a child to the department, an agency, or prospective
20 adoptive parents.

21 (12) "Individual approved by the court" or "qualified salaried
22 court employee" means a person who has a master's degree in social work
23 or a related field and one year of experience in social work, or a
24 bachelor's degree and two years of experience in social work, and
25 includes a person not having such qualifications only if the court
26 makes specific findings of fact that are entered of record establishing
27 that the person has reasonably equivalent experience.

28 (13) "Birth parent" means the biological mother or biological or
29 alleged father of a child, including a presumed father under chapter
30 26.26 RCW, whether or not any such person's parent-child relationship
31 has been terminated by a court of competent jurisdiction. "Birth
32 parent" does not include a biological mother or biological or alleged
33 father, including a presumed father under chapter 26.26 RCW, if the
34 parent-child relationship was terminated because of an act for which
35 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

36 (14) "Nonidentifying information" includes, but is not limited to,
37 the following information about the birth parents, adoptive parents,
38 and adoptee:

39 (a) Age in years at the time of adoption;

- 1 (b) Heritage, including nationality, ethnic background, and race;
2 (c) Education, including number of years of school completed at the
3 time of adoption, but not name or location of school;
4 (d) General physical appearance, including height, weight, color of
5 hair, eyes, and skin, or other information of a similar nature;
6 (e) Religion;
7 (f) Occupation, but not specific titles or places of employment;
8 (g) Talents, hobbies, and special interests;
9 (h) Circumstances leading to the adoption;
10 (i) Medical and genetic history of birth parents;
11 (j) First names;
12 (k) Other children of birth parents by age, sex, and medical
13 history;
14 (l) Extended family of birth parents by age, sex, and medical
15 history;
16 (m) The fact of the death, and age and cause, if known;
17 (n) Photographs;
18 (o) Name of agency or individual that facilitated the adoption.

19 **Sec. 2.** RCW 26.33.340 and 1990 c 145 s 4 are each amended to read
20 as follows:

21 Department ~~((and))~~, agency, and court files regarding an adoption
22 shall be confidential except ~~((the department or agency may disclose))~~
23 that nonidentifying information may be disclosed upon the ~~((receipt of~~
24 a verified)) written request for the information from the adoptive
25 parent, the adoptee, or the ~~((natural))~~ birth parent. If the adoption
26 facilitator refuses to disclose nonidentifying information, the
27 individual may petition the superior court. Identifying information
28 may also be disclosed through the procedure described in RCW 26.33.343.

29 **Sec. 3.** RCW 26.33.345 and 1990 c 145 s 2 are each amended to read
30 as follows:

31 (1) The department of social and health services, adoption
32 agencies, and independent adoption facilitators shall release the name
33 and location of the court where a relinquishment of parental rights or
34 finalization of an adoption took place to an adult adoptee, a birth
35 parent of an adult adoptee, an adoptive parent, a birth or adoptive
36 grandparent of an adult adoptee, or an adult sibling of an adult
37 adoptee, or the legal guardian of any of these.

1 (2) For adoptions finalized after October 1, 1993, the department
2 of vital records shall make available a noncertified copy of the
3 original birth certificate of a child to the child's birth parents and
4 the adoptee after the adoptee's eighteenth birthday upon request.

5 **Sec. 4.** RCW 26.33.380 and 1989 c 281 s 2 are each amended to read
6 as follows:

7 Every person, firm, society, association, or corporation receiving,
8 securing a home for, or otherwise caring for a minor child shall
9 transmit to the prospective adopting parent prior to placement and
10 shall make available to all persons with whom a child has been placed
11 by adoption, a family background and child and family social history
12 report, which includes a chronological history of the circumstances
13 surrounding the adoptive placement and any available psychiatric
14 reports, psychological reports, court reports pertaining to dependency
15 or custody, or school reports. Such reports or information shall not
16 reveal the identity of the (~~natural~~) birth parents of the child but
17 shall contain nonidentifying information.

18 **Sec. 5.** RCW 26.33.390 and 1991 c 136 s 5 are each amended to read
19 as follows:

20 (1) All persons adopting a child through the department shall
21 receive written information on the department's adoption-related
22 services including, but not limited to, adoption support, family
23 reconciliation services, archived records, mental health, and
24 developmental disabilities.

25 (2) Any person adopting a child shall receive from the adoption
26 facilitator written information on adoption-related services. This
27 information may be that published by the department or any other social
28 service provider and shall include information about how to find and
29 evaluate appropriate adoption therapists, and may include other
30 resources for adoption-related issues.

31 (3) Any person involved in providing adoption-related services
32 shall respond to requests for written information by providing
33 materials explaining adoption procedures, practices, policies, fees,
34 and services. Every prospective adoptive applicant shall be given a

- 1 copy of the state of Washington brochure entitled "Adoption in the
- 2 State of Washington."

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