
HOUSE BILL 1860

State of Washington

55th Legislature

1997 Regular Session

By Representatives Cooke, Dickerson, Boldt, McDonald, Regala, Costa, Mason, Anderson, Kessler and Ogden

Read first time 02/11/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to adoption; amending RCW 26.33.350; adding a new
2 section to chapter 26.33 RCW; creating a new section; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that some adoptive
6 parents are not provided critical information needed to make an
7 informed decision before receiving a child for adoption. The
8 legislature further finds that all individuals and organizations
9 involved in placing children for adoption, including the department of
10 social and health services, have a legal and moral obligation to
11 provide all available information to prospective adoptive parents
12 before the physical placement of children for adoption.

13 **Sec. 2.** RCW 26.33.350 and 1994 c 170 s 1 are each amended to read
14 as follows:

15 (1) Every person, firm, society, association, corporation, or state
16 agency receiving, securing a home for, or otherwise caring for a minor
17 child shall transmit to the prospective adopting parent prior to
18 physical placement and shall make available to all persons with whom a

1 child has been placed by adoption a complete medical report containing
2 all known and available information concerning the mental, physical,
3 and sensory handicaps of the child. For the purposes of this section,
4 a person is a "prospective adopting parent" when he or she initially
5 communicates an interest in adopting a child to the individuals,
6 organizations, and agencies specified in this section.

7 (2) The report shall not reveal the identity of the birth parent of
8 the child except as authorized under this chapter but shall include any
9 known or available mental or physical health history of the birth
10 parent that needs to be known by the adoptive parent to facilitate
11 proper health care for the child or that will assist the adoptive
12 parent in maximizing the developmental potential of the child.

13 (3) Where known or available, the information provided shall
14 include:

15 (a) A review of the birth family's and the child's previous medical
16 history, including the child's x-rays, examinations, hospitalizations,
17 and immunizations. After July 1, 1992, medical histories shall be
18 given on a standardized reporting form developed by the department;

19 (b) A physical exam of the child by a licensed physician with
20 appropriate laboratory tests and x-rays;

21 (c) A referral to a specialist if indicated; and

22 (d) A written copy of the evaluation with recommendations to the
23 adoptive family receiving the report.

24 (4) Entities and persons obligated to provide information under
25 this section shall make reasonable efforts to locate records and
26 information concerning the child's mental, physical, and sensory
27 handicaps. The entities or persons providing the information have no
28 duty, beyond providing the information, to explain or interpret the
29 records or information regarding the child's present or future health.

30 NEW SECTION. Sec. 3. A new section is added to chapter 26.33 RCW
31 to read as follows:

32 Any person, agency, organization, or public agency that places a
33 child for foster or adoptive placement and fails to use reasonable care
34 to obtain and disclose the complete medical and psychological history
35 of the child and the biological parents as required by RCW 26.33.350
36 and 26.33.385 is liable to the foster or adoptive parents for damages,
37 including the cost of caring for the child and for emotional distress.
38 The amount of damages shall not be limited by the fact that the child

1 reaches the age of majority if the adoptive child remains dependent
2 upon the parents by reason of his or her medical or psychological
3 handicaps.

4 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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