

ESSB 6635 - H COMM AMD

By Committee on Children & Family Services

ADOPTED 03/01/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.33.045 and 1995 c 270 s 8 are each amended to read
4 as follows:

5 (1) An adoption shall not be delayed or denied on the basis of the
6 race, color, or national origin of the adoptive parent or the child
7 involved. However, when the department or an agency considers whether
8 a placement option is in a child's best interests, the department or
9 agency may consider the cultural, ethnic, or racial background of the
10 child and the capacity of prospective adoptive parents to meet the
11 needs of a child of this background. This provision shall not apply to
12 or affect the application of the Indian Child Welfare Act of 1978, 25
13 U.S.C. Sec. 1901 et seq.

14 (2) The department shall create standardized training to be
15 provided to all department employees involved in the placement of a
16 child to assure compliance with Title IV of the civil rights act of
17 1964 and the multiethnic placement act of 1994, as amended by the
18 interethnic adoption provisions of the small business job protection
19 act of 1996. Such training shall be open to agency employees.

20 NEW SECTION. Sec. 2. The department of health, in cooperation
21 with the department of social and health services, shall recommend a
22 process for the efficient collection, compilation, and annual
23 publication of adoption statistical data, including data regarding
24 fees, costs, and expenses paid by adoptive families. In developing
25 recommendations, the department of health and the department of social
26 and health services shall consider current processes and requirements
27 for adoption data collection and reporting. The department of health
28 shall report to the legislature not later than October 1, 2006,
29 regarding its recommendations.

1 NEW SECTION. **Sec. 3.** The department of social and health services
2 shall, in consultation with adoption advocates, representatives of
3 adoption agencies, adoption attorneys, child-placing agencies, birth
4 and adoptive parents and adapters, federally recognized tribes, and
5 representatives of the superior court judges:

6 (1) Review the fees associated with children adopted out of the
7 foster care system who are dependents of the state of Washington. The
8 review shall include a determination of whether fees or any other
9 factors are barriers to adoptions of children out of the foster care
10 system; and

11 (2) Study accreditation standards developed for adoption agencies,
12 including the standards developed by the council on accreditation for
13 children and family services. The department shall brief the
14 legislature by January 1, 2007, on recommendations related to
15 accreditation standards and reducing any barriers that may exist
16 pertaining to the adoption of children who are dependents of the state
17 of Washington.

18 **Sec. 4.** RCW 26.33.400 and 1991 c 136 s 6 are each amended to read
19 as follows:

20 (1) Unless the context clearly requires otherwise, "advertisement"
21 means communication by newspaper, radio, television, handbills,
22 placards or other print, broadcast, or the electronic medium. This
23 definition applies throughout this section.

24 (2) No person or entity shall cause to be published for
25 circulation, or broadcast on a radio or television station, within the
26 geographic borders of this state, an advertisement of a child or
27 children offered or wanted for adoption, or shall hold himself or
28 herself out through such advertisement as having the ability to place,
29 locate, dispose, or receive a child or children for adoption unless
30 such person or entity is:

31 (a) A duly authorized agent, contractee, or employee of the
32 department or a children's agency or institution licensed by the
33 department to care for and place children;

34 (b) A person who has a completed preplacement report as set forth
35 in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable
36 recommendation as to the fitness of the person to be an adoptive
37 parent, or such person's duly authorized uncompensated agent, or such

1 person's attorney who is licensed to practice in the state.
2 Verification of compliance with the requirements of this section shall
3 consist of a written declaration by the person or entity who prepared
4 the preplacement report.

5 Nothing in this section prohibits an attorney licensed to practice
6 in Washington state from advertising his or her availability to
7 practice or provide services related to the adoption of children.

8 (3)(a) A violation of subsection (2) of this section is a matter
9 affecting the public interest ((for the purpose of applying chapter
10 19.86 RCW. A violation of subsection (2) of this section is not
11 reasonable in relation to the development and preservation of business.
12 A violation of subsection (2) of this section)) and constitutes an
13 unfair or deceptive act or practice in trade or commerce for the
14 purpose of applying chapter 19.86 RCW.

15 (b) The attorney general may bring an action in the name of the
16 state against any person violating the provisions of this section in
17 accordance with the provisions of RCW 19.86.080.

18 (c) Nothing in this section applies to any radio or television
19 station or any publisher, printer, or distributor of any newspaper,
20 magazine, billboard, or other advertising medium which accepts
21 advertising in good faith without knowledge of its violation of any
22 provision of this section after an attempt to verify the advertising is
23 in compliance with this section.

24 NEW SECTION. Sec. 5. RCW 26.33.410 (Advertisements--Exemption)
25 and 1989 c 255 s 2 are each repealed."

26 Correct the title.

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