

ESSB 6635 - H COMM AMD

By Committee on Children & Family Services

ADOPTED AS AMENDED 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 on a
20 space-available basis.

21 Sec. 2. RCW 26.33.300 and 1991 c 3 s 288 are each amended to read
22 as follows:

23 The department of health shall be a depository for statistical data
24 concerning adoption. It shall furnish to the clerk of each county a
25 data card which shall include the data required for the purposes of
26 federal reporting requirements as well as disclosure of all fees,
27 costs, and expenses paid by the petitioner. The data card shall be
28 completed and filed with the clerk on behalf of each petitioner. The
29 clerk shall forward the completed cards to the department of health

1 which shall compile and summarize the data and (~~publish reports~~
2 ~~summarizing the data~~) provide a report annually to the legislature
3 beginning December 31, 2006. A birth certificate shall not be issued
4 showing the petitioner as the parent of any child adopted in the state
5 of Washington until a data card has been completed and filed.

6 NEW SECTION. **Sec. 3.** The department of health shall, in
7 consultation with adoption advocates, representatives of adoption
8 agencies, adoption attorneys, child-placing agencies, birth and
9 adoptive parents and adapters, federally recognized tribes, and
10 representatives of the superior court judges:

11 (1) Review the fees associated with children adopted out of the
12 foster care system who are dependents of the state of Washington. The
13 review shall include a determination of whether fees or any other
14 factors are barriers to adoptions of children out of the foster care
15 system; and

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

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

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

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

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

4 (b) A person who has a completed preplacement report as set forth
5 in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable
6 recommendation as to the fitness of the person to be an adoptive
7 parent, or such person's duly authorized uncompensated agent, or such
8 person's attorney who is licensed to practice in the state.
9 Verification of compliance with the requirements of this section shall
10 consist of a written declaration by the person or entity who prepared
11 the preplacement report.

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

15 (3)(a) A violation of subsection (2) of this section is a matter
16 affecting the public interest ((for the purpose of applying chapter
17 19.86 RCW. A violation of subsection (2) of this section is not
18 reasonable in relation to the development and preservation of business.
19 A violation of subsection (2) of this section)) and constitutes an
20 unfair or deceptive act or practice in trade or commerce for the
21 purpose of applying chapter 19.86 RCW.

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

25 (c) Nothing in this section applies to any radio or television
26 station or any publisher, printer, or distributor of any newspaper,
27 magazine, billboard, or other advertising medium which accepts
28 advertising in good faith without knowledge of its violation of any
29 provision of this section after an attempt to verify the advertising is
30 in compliance with this section.

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

33 Correct the title.

EFFECT: (1) Requires DSHS to train employees involved in adoption

placements regarding federal requirements related to multiethnic and interethnic placements.

(2) Requires the adoption data card to include disclosure of fees, costs, and expenses paid by adoptive parents.

(3) Directs the Department of Health to summarize the adoption data and prepare an annual report to the Legislature.

(4) Directs DSHS to consult with stakeholders, review and study fees and other barriers to adoption of children out of the foster care system and accreditation standards for adoption, and to report back to the Legislature with recommendations regarding: (a) Accreditation standards; and (b) reducing barriers to adoption of foster children.

(5) Explicitly authorizes the Attorney General to file an action under the state Consumer Protection Act for the unauthorized advertising related to adoption of a child or placement of a child.

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