
SUBSTITUTE SENATE BILL 6635

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to adoption; amending RCW 26.33.045, 26.33.190,
2 26.33.240, and 26.33.400; adding a new section to chapter 26.33 RCW;
3 creating a new section; and providing an effective date.

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

5 **Sec. 1.** RCW 26.33.045 and 1995 c 270 s 8 are each amended to read
6 as follows:

7 (1) An adoption shall not be delayed or denied on the basis of the
8 race, color, or national origin of the adoptive parent or the child
9 involved. ~~((However,))~~

10 (2) When ~~((the department or an agency considers))~~ considering
11 whether a placement option is in a child's best interests, the
12 department or agency may consider the cultural, ethnic, or racial
13 background of the child and the capacity of prospective adoptive
14 parents to meet the needs of a child of this background if:

15 (a) A particular child presents specific compelling special
16 circumstances; and

17 (b) Consideration of the child's cultural, ethnic, or racial
18 background is the only way to achieve the best interest of that child.

19 ~~((This))~~

1 (3) The department shall create standardized training to be
2 provided to all department or agency employees involved in the
3 placement of a child to assure compliance with Title VI of the civil
4 rights act of 1964 and the multiethnic placement act of 1994, as
5 amended by the interethnic adoption provisions of the small business
6 job protection act of 1996.

7 (4) The provisions of this section shall not apply to or affect the
8 application of the Indian child welfare act of 1978, 25 U.S.C. Sec.
9 1901 et seq.

10 NEW SECTION. Sec. 2. A new section is added to chapter 26.33 RCW
11 to read as follows:

12 (1) Each adoption petition filed pursuant to RCW 26.33.150 seeking
13 adoption of a minor child shall be accompanied by a written disclosure
14 statement containing an itemized accounting of all moneys paid or
15 estimated to be paid by the petitioner for fees, costs, and expenses
16 related to the adoption. The form of the disclosure statement shall be
17 prescribed by the department in consultation with approved adoption
18 agencies licensed in this state.

19 (2) The department shall establish and maintain, by rule, a
20 schedule of standard adoption-related fees that may be charged. The
21 fee schedule shall be established in consultation with:

- 22 (a) Adoption advocates;
- 23 (b) Agency representatives;
- 24 (c) Adoption attorneys;
- 25 (d) Child welfare advocates;
- 26 (e) Birth and adoptive parents and adoptees;
- 27 (f) Federally recognized tribes; and
- 28 (g) Superior court judges.

29 (3) If any adoption-related fees disclosed in an adoption
30 proceeding are in excess of those established pursuant to subsection
31 (2) of this section, the court may forward a copy of the written
32 disclosure statement to the department.

33 **Sec. 3.** RCW 26.33.190 and 1991 c 136 s 3 are each amended to read
34 as follows:

35 (1) Any person may at any time request an agency, the department,
36 an individual approved by the court, or a qualified salaried court

1 employee to prepare a preplacement report. A certificate signed under
2 penalty of perjury by the person preparing the report specifying his or
3 her qualifications as required in this chapter shall be attached to or
4 filed with each preplacement report and shall include a statement of
5 training or experience that qualifies the person preparing the report
6 to discuss relevant adoption issues. A person may have more than one
7 preplacement report prepared. All preplacement reports shall be filed
8 with the court in which the petition for adoption is filed.

9 (2) The preplacement report shall be a written document setting
10 forth all relevant information relating to the fitness of the person
11 requesting the report as an adoptive parent. The report shall be based
12 on a study which shall include an investigation of the home
13 environment, family life, health, facilities, and resources of the
14 person requesting the report. The report shall include a list of the
15 sources of information on which the report is based. The report shall
16 include a recommendation as to the fitness of the person requesting the
17 report to be an adoptive parent. The report shall also verify that the
18 following issues were discussed with the prospective adoptive parents:

19 (a) The concept of adoption as a lifelong developmental process and
20 commitment;

21 (b) The potential for the child to have feelings of identity
22 confusion and loss regarding separation from the birth parents;

23 (c) Disclosure of the fact of adoption to the child;

24 (d) The child's possible questions about birth parents and
25 relatives; and

26 (e) The relevance of the child's racial, ethnic, and cultural
27 heritage, if considered pursuant to RCW 26.33.045.

28 (3) All preplacement reports shall include an investigation of the
29 conviction record, pending charges, or disciplinary board final
30 decisions of prospective adoptive parents. The investigation shall
31 include an examination of state and national criminal identification
32 data provided by the Washington state patrol criminal identification
33 system as described in chapter 43.43 RCW.

34 (4) An agency, the department, or a court approved individual may
35 charge a reasonable fee based on the time spent in conducting the study
36 and preparing the preplacement report. The court may set a reasonable
37 fee for conducting the study and preparing the report when a court
38 employee has prepared the report. An agency, the department, a court

1 approved individual, or the court may reduce or waive the fee if the
2 financial condition of the person requesting the report so warrants.
3 An agency's, the department's, or court approved individual's, fee is
4 subject to review by the court upon request of the person requesting
5 the report.

6 (5) The person requesting the report shall designate to the agency,
7 the department, the court approved individual, or the court in writing
8 the county in which the preplacement report is to be filed. If the
9 person requesting the report has not filed a petition for adoption, the
10 report shall be indexed in the name of the person requesting the report
11 and a cause number shall be assigned. A fee shall not be charged for
12 filing the report. The applicable filing fee may be charged at the
13 time a petition governed by this chapter is filed. Any subsequent
14 preplacement reports shall be filed together with the original report.

15 (6) A copy of the completed preplacement report shall be delivered
16 to the person requesting the report.

17 (7) A person may request that a report not be completed. A
18 reasonable fee may be charged for the value of work done.

19 **Sec. 4.** RCW 26.33.240 and 1987 c 170 s 8 are each amended to read
20 as follows:

21 (1) After the reports required by section 2 of this act and RCW
22 26.33.190 and 26.33.200 have been filed, the court shall schedule a
23 hearing on the petition for adoption upon request of the petitioner for
24 adoption. Notice of the date, time, and place of hearing shall be
25 given to the petitioner and any person or agency whose consent to
26 adoption is required under RCW 26.33.160, unless the person or agency
27 has waived in writing the right to receive notice of the hearing. If
28 the child is an Indian child, notice shall also be given to the child's
29 tribe. Notice shall be given in the manner prescribed by RCW
30 26.33.310.

31 (2) Notice of the adoption hearing shall also be given to any
32 person who or agency which has prepared a preplacement report. The
33 notice shall be given in the manner prescribed by RCW 26.33.230.

34 (3) If the court determines, after review of the petition,
35 (~~preplacement and post placement~~) reports, and other evidence
36 introduced at the hearing, that all necessary consents to adoption are
37 valid or have been dispensed with pursuant to RCW 26.33.170 and that

1 the adoption is in the best interest of the adoptee, and, in the case
2 of an adoption of an Indian child, that the adoptive parents are within
3 the placement preferences of 25 U.S.C. Sec. 1915 or good cause to the
4 contrary has been shown on the record, the court shall enter a decree
5 of adoption pursuant to RCW 26.33.250.

6 (4) If the court determines the petition should not be granted
7 because the adoption is not in the best interest of the child, the
8 court shall make appropriate provision for the care and custody of the
9 child.

10 **Sec. 5.** RCW 26.33.400 and 1991 c 136 s 6 are each amended to read
11 as follows:

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

16 (2) No person or entity shall cause to be published for
17 circulation, or broadcast on a radio or television station, within the
18 geographic borders of this state, an advertisement of a child or
19 children offered or wanted for adoption, or shall hold himself or
20 herself out through such advertisement as having the ability to place,
21 locate, dispose, or receive a child or children for adoption unless
22 such person or entity is:

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

26 (b) A person who has a completed preplacement report as set forth
27 in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable
28 recommendation as to the fitness of the person to be an adoptive
29 parent, or such person's duly authorized uncompensated agent, or such
30 person's attorney who is licensed to practice in the state.
31 Verification of compliance with the requirements of this section shall
32 consist of a written declaration by the person or entity who prepared
33 the preplacement report.

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

1 (3)(a) A violation of subsection (2) of this section is a matter
2 affecting the public interest ((for the purpose of applying chapter
3 19.86 RCW. A violation of subsection (2) of this section is not
4 reasonable in relation to the development and preservation of business.
5 A violation of subsection (2) of this section)) and constitutes an
6 unfair or deceptive act or practice in trade or commerce for the
7 purpose of applying chapter 19.86 RCW.

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

11 NEW SECTION. Sec. 6. Sections 1 through 5 of this act take effect
12 January 1, 2007.

13 NEW SECTION. Sec. 7. The secretary of the department of social
14 and health services may take the necessary steps to ensure that this
15 act is implemented on its effective date.

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