

SENATE BILL REPORT

2SHB 1938

As Reported by Senate Committee On:
Human Services & Corrections, March 26, 2009
Ways & Means, April 6, 2009

Title: An act relating to children's interests in maintaining postadoption contact with their siblings.

Brief Description: Concerning postadoption contact with siblings.

Sponsors: House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Roberts, Kagi, Angel, Walsh, Dunshee, Pettigrew, Green, Goodman, Haler and Kenney).

Brief History: Passed House: 3/09/09, 95-0.

Committee Activity: Human Services & Corrections: 3/26/09 [DP].
Ways & Means: 4/02/09, 4/06/09 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Jennifer Strus (786-7316)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Fairley, Hobbs, Honeyford, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Parlette, Pflug, Pridemore, Regala, Rockefeller and Schoesler.

Staff: Michael Bezanson (786-7449)

Background: Washington's adoption statute requires a pre-adoption home study report be submitted to the court. The report must include verification that discussions with prospective adoptive parents includes topics relating to:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- the concept that adoption is a lifelong developmental process;
- the potential for the child to experience identity confusion and feelings of loss regarding separation from birth parents;
- the potential for the child to have questions about birth parents and relatives; and
- the relevance of the child's racial, ethnic, and cultural heritage.

Open adoption agreements must be reviewed and approved by the court. The statute authorizing agreements for postadoption contact between a child adoptee and that child's family includes no references to siblings of the child being adopted or the potential benefit of providing for a continuation of the child's relationship with his or her siblings through an adoption agreement or informal agreement.

Summary of Bill: The relevance of the child's relationship with siblings and the potential benefit of facilitating postadoption contact is included in the list of issues that must be considered during the permanency planning process for children in foster care and discussed with prospective adoptive parents.

The family law court reviewing and approving an adoption agreement must encourage the consideration of the adoptive child's relationship with known siblings. If a child being adopted from foster care or that child's siblings are represented by a guardian ad litem or an attorney in an adoption proceeding or in a dependency matter, the court reviewing the adoption agreement must inquire of the attorneys and guardians regarding the potential benefit of continued contact between the siblings.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Human Services & Corrections): PRO: For the third year in a row, the attendees of the annual Foster Youth/Alumni Leadership Summit highlighted the need for sibling visits as one of the most pressing issues during their time in foster care. For many children in care, siblings are their last connection to their birth families. The new family does not replace the old family and the bill allows these children to maintain the connection they already have. This bill is an attempt to educate potential adoptive parents to appreciate the importance of sibling visits. In many cases, the adoption can be more successful if the adopted child sees the adoptive parents invested in the child maintaining contacts with siblings.

Persons Testifying (Human Services & Corrections): PRO: Bob Cooper, Washington Defender Association & Criminal Defense Lawyers; Jim Theofelis, Georgina Ramirez, Mockingbird Society; Laurie Lippold, Children's Home Society.

Staff Summary of Public Testimony (Ways & Means): PRO: This year's annual Foster Youth/Alumni Summit focused on sibling visitation as the most important issue that is not

currently happening. This is the third year that sibling visits have been named a top priority. The summit participants identified that this issue could be addressed in statute where siblings have had some ongoing connection when one or more of them is moved to a new home through adoption.

This bill alerts the courts to the value of sibling visits. Shared bonds with siblings can be the only part of stability that these children can have. The Legislature has focused on sibling visits in the past in foster care. This a great step forward to keeping visitation going when one or more of the siblings are adopted.

The bill only applies to children moving out of the state child welfare system. There is no responsibility for the department to supervise or provide transportation for these visitations. It mandates nothing from the state and there should be no costs.

Persons Testifying (Ways & Means): PRO: Representative Roberts, prime sponsor; Tera Bianchi, Mockingbird Society; Laurie Lippold, Children's Home Society.