

SENATE BILL REPORT

HB 2629

As of February 25, 2010

Title: An act relating to making corrections to update the law regarding adoption petitions.

Brief Description: Updating provisions related to adoption petitions.

Sponsors: Representatives Kelley, Seaquist, Green, Kenney and Morrell.

Brief History: Passed House: 2/11/10, 97-0.

Committee Activity: Human Services & Corrections: 2/25/10.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: A petition to the court in an adoption proceeding and the resulting decree finalizing the adoption must include an allegation by the petitioner and a written finding by the court, respectively, regarding whether the federal Soldiers and Sailors Civil Relief Act of 1940 applies to the proceeding. The Soldiers and Sailors Civil Relief Act was renamed in 2003 and is now known as the federal Servicemembers Civil Relief Act of 2003.

In 2005 the Legislature enacted the Washington Service Members' Civil Relief Act, providing similar protections to military personnel and their dependents during the period of military service and for a limited time afterward. Among the protections in both the state and federal laws is a stay of certain civil proceedings, including those required to terminate parental rights and finalize a child's adoption.

While the Washington Service Members' Civil Relief Act applies to adoption proceedings, there is no citation to the state law in the adoption statute and no requirement for the court to inquire and make a written finding whether the state law applies to an adoption proceeding.

Summary of Bill: The citation to the federal law in the adoption chapter is updated to reflect the Servicemembers Civil Relief Act of 2003. A reference to the Washington Service Members' Civil Relief Act is added to the adoption chapter.

Prior to finalizing an adoption, the court is required to make a written finding as to whether either of the military service-related laws applies to the adoption proceeding.

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.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: None.

Persons Testifying: No one.