

E2SHB 1267 - S AMD 356

By Senators Benton, Delvin, Swecker, Roach

OUT OF ORDER 04/12/2011

1 On page 2, line 24, after "(5)" insert "Agency means any public
2 or private association, corporation, or individual licensed or
3 certified by the department as a child placing agency under chapter
4 74.15 RCW or as an adoption agency.

5 (6)"

6 Renumber the remaining subsections consecutively and correct any
7 internal references accordingly.

8 On page 3, after line 36, insert the following:

9 "(17) Individual approved by the court or qualified salaried
10 court employee means a person who has a master's degree in social work
11 or a related field and one year of experience in social work, or a
12 bachelor's degree and two years of experience in social work, and
13 includes a person not having such qualifications only if the court
14 makes specific findings of fact that are entered of record establishing
15 that the person has reasonably equivalent experience."

16 Renumber the remaining subsections consecutively and correct any
17 internal references accordingly.

18 On page 39, line 18, after "18.225 RCW;" strike "and"

19 On page 39, line 21, after "surrogacy" insert "and;"

20 (d) He, she, or they have had a preplacement report filed with the
21 superior court pursuant to section 60 of this act and the court finds
22 that placement of a child with the intended parent or parents would not
23 be contrary to the best interest of a child"

24 On page 42, after line 9, insert the following:

1 "NEW SECTION. **Sec. 60.** An intended parent may not enter into a
2 surrogacy contract until a preplacement report has been filed and
3 approved by the superior court in which the parties intend to file for
4 certification.

5 NEW SECTION. **Sec. 61.** (1) Any person may at any time request an
6 agency, the department, an individual approved by the court, or a
7 qualified salaried court employee to prepare a preplacement report. A
8 certificate signed under penalty of perjury by the person preparing the
9 report specifying his or her qualifications as required in this chapter
10 shall be attached to or filed with each preplacement report and shall
11 include a statement of training or experience that qualifies the person
12 preparing the report to discuss relevant surrogacy issues. A person
13 may have more than one preplacement report prepared.

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

24 (a) The concept of parentage as a lifelong developmental process
25 and commitment;

26 (b) Disclosure of the fact of surrogacy to the child;

27 (c) The child's possible questions about the surrogate; and

28 (d) The relevance of the child's racial, ethnic, and cultural
29 heritage.

30 (3) All preplacement reports shall include a background check of
31 any conviction records, pending charges, or disciplinary board final
32 decisions of prospective intended parents. The background check shall
33 include an examination of state and national criminal identification
34 data provided by the Washington state patrol criminal identification
35 system including, but not limited to, a fingerprint-based background
36 check of national crime information databases for any person being
37 investigated. It shall also include a review of any child abuse and

1 neglect history of any adult living in the prospective intended
2 parents' home. The background check of the child abuse and neglect
3 history shall include a review of the child abuse and neglect
4 registries of all states in which the prospective intended parents or
5 any other adult living in the home have lived during the five years
6 preceding the date of the preplacement report.

7 (4) An agency, the department, or a court approved individual may
8 charge a reasonable fee based on the time spent in conducting the study
9 and preparing the preplacement report. The court may set a reasonable
10 fee for conducting the study and preparing the report when a court
11 employee has prepared the report. An agency, the department, a court
12 approved individual, or the court may reduce or waive the fee if the
13 financial condition of the person requesting the report so warrants.
14 An agency's, the department's, or court approved individual's fee is
15 subject to review by the court upon request of the person requesting
16 the report.

17 (5) The person requesting the report shall designate to the agency,
18 the department, the court approved individual, or the court in writing
19 the county in which the preplacement report is to be filed. The report
20 shall be indexed in the name of the person requesting the report and a
21 cause number shall be assigned. A fee shall not be charged for filing
22 the report. The applicable filing fee may be charged at the time a
23 petition governed by this chapter is filed. Any subsequent
24 preplacement reports shall be filed together with the original report.

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

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

29 NEW SECTION. **Sec. 62.** (1) After the reports required by sections
30 60 and 61 of this act have been filed, the court shall schedule a
31 hearing on the preplacement report upon request of the intended
32 parents. Notice of the date, time, and place of hearing shall be given
33 to the intended parent or parents.

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

1 (3) If the court determines, after review of the petition,
2 preplacement and postplacement reports, and other evidence introduced
3 at the hearing, that the placement of a child with the intended parent
4 or parents would not be contrary to the best interest of a child, the
5 court shall enter such findings and issue an order authorizing the use
6 of a surrogate."

7 Renumber the remaining sections consecutively and correct any
8 internal references accordingly.

9 On page 42, after line 23, insert the following:

10 "(3) A court shall not issue an order under this section until a
11 preplacement report has been filed with the court and the court finds,
12 after the review of the preplacement report, that the placement of a
13 child with the intended parents is in the best interest of the child.

14 (4) If the court determines an order placing a child with the
15 intended parents should not be granted because there was not a finding
16 that finding the placement of the child with the intended parents is
17 not in the best interest of the child and the child has already been
18 conceived or born, the court shall make appropriate provision for the
19 care and custody of the child."

20 Renumber the remaining subsections consecutively and correct any
21 internal references accordingly.

22 On page 44, after line 9, insert the following:

23 "NEW SECTION. **Sec. 63.** A court filing under this chapter may be
24 consolidated with any other court filing under this chapter. A hearing
25 under this chapter may be consolidated with any other hearing under
26 this chapter."

27 Renumber the remaining sections consecutively and correct any
28 internal references accordingly.

EFFECT: Requires a preplacement report before intended parents

can enter into a surrogacy contract. The preplacement report is parallel to the preplacement report for adoptions. Before intended parents can enter into a surrogacy contract, the court must find that placement of a child with the intended parents is in the best interest of the child. The court may only issue a final order declaring the intended parents are the parents after the preplacement report has been filed and the court has found the placement of the child with the intended parents is in the best interest of the child.

--- END ---