

SB 5597 - S AMD 216
By Senator Delvin

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 26.33 RCW
4 to read as follows:

5 (1) When an order terminating parental rights entered under either
6 chapter 13.34 RCW or this chapter is appealed, the department shall
7 notify all parties to the appeal of the termination order that adoption
8 proceedings pertaining to the child or children subject to the
9 termination order have been initiated. The notification must occur
10 within twenty days after the adoption proceedings have been initiated
11 or within twenty days after the notice of appeal has been filed,
12 whichever is later, but in all cases before the entry of a final
13 adoption order.

14 (2) When an adoption petition is filed on a child whose parent's
15 rights have been terminated under chapter 13.34 RCW, the petitioner
16 must notify the court hearing the adoption petition if an appeal from
17 the order terminating parental rights has been filed. The notification
18 must occur within twenty days after the adoption petition has been
19 filed or within twenty days after the notice of appeal has been filed,
20 whichever is later, but in all cases before the entry of a final
21 adoption order.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.33 RCW
23 to read as follows:

24 A court cannot enter a final order of adoption in a case in which
25 the adoption of a child would be finalized while an appeal by the
26 child's parent from an order terminating that parent's rights is still
27 pending, unless it first finds that to permit the adoption to proceed
28 while the appeal is pending is in the child's best interests."

NOT CONSIDERED 05/25/2011

1 On page 1, line 1 of the title, after "rights;" strike the
2 remainder of the title and insert "and adding new sections to chapter
3 26.33 RCW."

EFFECT: DSHS is required to notify all parties to the parental rights termination order that is appealed, that an appeal from that order has been filed. The notification must occur within 20 days after adoption proceedings have been initiated or within 20 days after the notice of appeal has been filed, whichever is later, but in all cases before the entry of a final adoption order. The petitioner in an adoption filed after an order terminating parental rights has been entered must notify the court hearing the adoption matter if an appeal from that order has been filed.

A court cannot enter a final order of adoption while an appeal of the child's parent's rights is pending unless the court finds that allowing the adoption to be finalized is in the child's best interests.

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