

HOUSE BILL REPORT

HB 1774

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to recognizing adopted siblings and adoptive parents as relatives.

Brief Description: Recognizing adopted siblings and adoptive parents as relatives.

Sponsors: Representatives Goodman, Pettigrew, Orwall, Kenney, Roberts, Kagi and Moscoso.

Brief History:

Committee Activity:

Early Learning & Human Services: 2/15/11, 2/17/11 [DPS].

Brief Summary of Substitute Bill

- Provides that an adopted sibling or half sibling is included in the definition of relative, which is considered to be a member of the birth family.
- Provides that an adoptive parent of a sibling or half sibling is considered to be a suitable person under the child dependency statutes.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson, Orwall and Overstreet.

Staff: Linda Merelle (786-7092).

Background:

Siblings in Dependency Proceedings.

Unless there is good cause not to, the Department of Social and Health Services (DSHS) shall follow the wish of the natural parent regarding the placement of a child with a relative or other suitable person. Preferences such as family constellation, sibling relationships, ethnicity, and religion shall be considered when matching children to foster homes.

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.

Siblings in Adoption Proceedings.

Where there is an agreement for the adoption of a child from foster care, the court is required by statute to encourage the adoptive parents, birth parents, foster parents, kinship caregivers, and the DSHS or other supervising agency to seriously consider the long-term benefits to the child adoptee and siblings of the child adoptee of providing for and facilitating continuing postadoption contact between siblings. To the extent feasible, and when in the best interests of the child who is adopted and his or her siblings, contact between the siblings should be frequent and of a similar nature as contact before the adoption.

Birth Family.

The "birth family" is considered to be any blood relative, relatives of a half sibling, stepfather, stepmother, stepbrother, and stepsister, a person who legally adopts a child, and their spouses. A member of a birth family also includes extended family members as defined by the law or custom of a Native American child's tribe.

Summary of Substitute Bill:

Adopted siblings and half siblings are included in the definition of a "relative" within the dependency statutes. Persons who are included in the definition of a relative are considered the same as a member of the birth family. Adoptive parents are included in the definition of "suitable person" under the dependency statutes.

Substitute Bill Compared to Original Bill:

Only adopted siblings and half siblings are included in the definition of "relative," rather than both adoptive siblings and adoptive parents. Adoptive parents are included in the definition "suitable person."

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Where a child has been adopted by a foster family, the sibling of the adopted child may be placed somewhere else other than with the sibling. A child does not have any legal right or standing regarding the placement of his sister or brother. Siblings will be better off if they are raised together. Adoptive families are being passed over regarding placement

of a sibling. The courts have said that a child who has been adopted by a family is legally no longer a sibling to his or her blood sibling. There is a lot of research indicates that children should be placed together. Placing siblings together increases family reunification.

(With concerns) Keeping siblings together is critical. Placing adoptive parents in equal stature as the members of the birth family will apply throughout the entire set of statutes, and that creates some concern.

(Opposed) None.

Persons Testifying: (In support) Representative Goodman, prime sponsor; David Putnam; and Gary Malkasion, Foster Care Justice Alliance.

(With concerns) Laurie Lippold, Children's Home Society of Washington.

Persons Signed In To Testify But Not Testifying: None.