

ESHB 1675 - H AMD 605

By Representative Roberts

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that
4 identifying, assessing, and finalizing a permanent adoptive home for a
5 child is a complex process. Professionals must balance expediting a
6 permanent home for a child with investigating and determining whether
7 the health, safety, and well-being of a particular child will be
8 advanced through permanent placement in a particular adoptive home and
9 family. The legislature intends to make certain changes to the laws
10 relative to the adoption process in order to foster safe, positive
11 experiences for adoptive children and their adoptive families.

12 **Sec. 2.** RCW 26.33.020 and 1993 c 81 s 1 are each amended to read
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Alleged father" means a person whose parent-child relationship
17 has not been terminated, who is not a presumed father under chapter
18 26.26 RCW, and who alleges himself or whom a party alleges to be the
19 father of the child. It includes a person whose marriage to the mother
20 was terminated more than three hundred days before the birth of the
21 child or who was separated from the mother more than three hundred days
22 before the birth of the child.

23 (2) "Child" means a person under eighteen years of age.

24 (3) "Adoptee" means a person who is to be adopted or who has been
25 adopted.

26 (4) "Adoptive parent" means the person or persons who seek to adopt
27 or have adopted an adoptee.

28 (5) "Court" means the superior court.

1 (6) "Department" means the department of social and health
2 services.

3 (7) "Agency" means any public or private association, corporation,
4 or individual licensed or certified by the department as a child-
5 placing agency under chapter 74.15 RCW or as an adoption agency.

6 (8) "Parent" means the natural or adoptive mother or father of a
7 child, including a presumed father under chapter 26.26 RCW. It does
8 not include any person whose parent-child relationship has been
9 terminated by a court of competent jurisdiction.

10 (9) "Legal guardian" means the department, an agency, or a person,
11 other than a parent or stepparent, appointed by the court to promote
12 the child's general welfare, with the authority and duty to make
13 decisions affecting the child's development.

14 (10) "Guardian ad litem" means a person, not related to a party to
15 the action, appointed by the court to represent the best interests of
16 a party who is under a legal disability.

17 (11) "Relinquish or relinquishment" means the voluntary surrender
18 of custody of a child to the department, an agency, or prospective
19 adoptive parents.

20 (12) "Individual approved by the court" or "qualified salaried
21 court employee" means a person who has a master's degree in social work
22 or a related field and one year of experience in (~~social work~~) family
23 and children's services or adoption, or a bachelor's degree in social
24 work or a related field and two years of experience in (~~social work~~)
25 family and children's services or adoption, and includes a person not
26 having such qualifications only if the court makes specific findings of
27 fact that are entered of record establishing that the person has
28 reasonably equivalent education and experience. In addition to meeting
29 education and experience requirements, all such persons must receive at
30 least thirty hours of training every two years, either in-person or
31 online, on issues relative to adoption including, but not limited to:
32 Pertinent laws and regulations; ethical considerations; cultural
33 diversity; factors that lead to the need for adoption; feelings of
34 separation, grief, and loss experienced by children; attachment and
35 posttraumatic stress disorder; and psychological issues faced by
36 children.

37 (13) "Birth parent" means the biological mother or biological or
38 alleged father of a child, including a presumed father under chapter

1 26.26 RCW, whether or not any such person's parent-child relationship
2 has been terminated by a court of competent jurisdiction. "Birth
3 parent" does not include a biological mother or biological or alleged
4 father, including a presumed father under chapter 26.26 RCW, if the
5 parent-child relationship was terminated because of an act for which
6 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

7 (14) "Nonidentifying information" includes, but is not limited to,
8 the following information about the birth parents, adoptive parents,
9 and adoptee:

- 10 (a) Age in years at the time of adoption;
11 (b) Heritage, including nationality, ethnic background, and race;
12 (c) Education, including number of years of school completed at the
13 time of adoption, but not name or location of school;
14 (d) General physical appearance, including height, weight, color of
15 hair, eyes, and skin, or other information of a similar nature;
16 (e) Religion;
17 (f) Occupation, but not specific titles or places of employment;
18 (g) Talents, hobbies, and special interests;
19 (h) Circumstances leading to the adoption;
20 (i) Medical and genetic history of birth parents;
21 (j) First names;
22 (k) Other children of birth parents by age, sex, and medical
23 history;
24 (l) Extended family of birth parents by age, sex, and medical
25 history;
26 (m) The fact of the death, and age and cause, if known;
27 (n) Photographs;
28 (o) Name of agency or individual that facilitated the adoption.

29 **Sec. 3.** RCW 26.33.190 and 2009 c 234 s 4 are each amended to read
30 as follows:

31 (1) Any person may at any time request an agency, the department,
32 an individual approved by the court, or a qualified salaried court
33 employee to prepare a preplacement report. A certificate signed under
34 penalty of perjury by the person preparing the report specifying his or
35 her qualifications as required in this chapter shall be attached to or
36 filed with each preplacement report and shall include a statement of
37 training or experience that qualifies the person preparing the report

1 to discuss relevant adoption issues. A person may have more than one
2 preplacement report prepared. All preplacement reports shall be filed
3 with the court in which the petition for adoption is filed.

4 (2) The preplacement report shall be a written document setting
5 forth all relevant information relating to the fitness of the person
6 requesting the report as an adoptive parent. The report shall be based
7 on a study which shall include an investigation of the home
8 environment, family life, existence of extended family and community
9 connections to serve as support, planned approach to child discipline
10 and punishment, health, facilities, and resources of the person
11 requesting the report. The fitness of a parent shall not be based on
12 the person's sincerely held religious or philosophical beliefs and
13 practices regarding child discipline and punishment that do not
14 otherwise constitute a violation of state law. The report shall
15 include a list of the sources of information on which the report is
16 based. The report shall include a recommendation as to the fitness of
17 the person requesting the report to be an adoptive parent. The report
18 shall also verify that the following issues were discussed with the
19 prospective adoptive parents:

20 (a) The concept of adoption as a lifelong developmental process and
21 commitment;

22 (b) The potential for the child to have feelings of identity
23 confusion and loss regarding separation from the birth parents;

24 (c) If applicable, the relevance of the child's relationship with
25 siblings and the potential benefit to the child of providing for a
26 continuing relationship and contact between the child and known
27 siblings;

28 (d) Disclosure of the fact of adoption to the child;

29 (e) The child's possible questions about birth parents and
30 relatives; and

31 (f) The relevance of the child's racial, ethnic, and cultural
32 heritage.

33 (3) All preplacement reports shall include a background check of
34 any conviction records, pending charges, or disciplinary board final
35 decisions of prospective adoptive parents and a reference to any prior
36 preplacement reports, whether complete or incomplete. The background
37 check shall include an examination of state and national criminal
38 identification data provided by the Washington state patrol criminal

1 identification system including, but not limited to, a fingerprint-
2 based background check of national crime information databases for any
3 person being investigated. It shall also include a review of any child
4 abuse and neglect history of any adult living in the prospective
5 adoptive parents' home. The background check of the child abuse and
6 neglect history shall include a review of the child abuse and neglect
7 registries of all states in which the prospective adoptive parents or
8 any other adult living in the home have lived during the five years
9 preceding the date of the preplacement report.

10 (4) On all preplacement reports filed after January 1, 2015, the
11 preparer shall verify that the prospective adoptive parents were
12 provided with: (a) Copies of Washington state child abuse statutes and
13 rules; and (b) the list of informational and resource materials
14 developed and posted pursuant to section 7 of this act.

15 (5) An agency, the department, or a court approved individual may
16 charge a reasonable fee based on the time spent in conducting the study
17 and preparing the preplacement report. The court may set a reasonable
18 fee for conducting the study and preparing the report when a court
19 employee has prepared the report. An agency, the department, a court
20 approved individual, or the court may reduce or waive the fee if the
21 financial condition of the person requesting the report so warrants.
22 An agency's, the department's, or court approved individual's, fee is
23 subject to review by the court upon request of the person requesting
24 the report.

25 ~~((+5))~~ (6) The person requesting the report shall designate to the
26 agency, the department, the court approved individual, or the court in
27 writing the county in which the preplacement report is to be filed. If
28 the person requesting the report has not filed a petition for adoption,
29 the report shall be indexed in the name of the person requesting the
30 report and a cause number shall be assigned. A fee shall not be
31 charged for filing the report. The applicable filing fee may be
32 charged at the time a petition governed by this chapter is filed. Any
33 subsequent preplacement reports shall be filed together with the
34 original report.

35 ~~((+6))~~ (7) A copy of the completed preplacement report shall be
36 delivered to the person requesting the report.

37 ~~((+7))~~ (8) A person may request that a report not be completed.

1 Reports not completed must be filed by the preparer in accordance with
2 subsection (6) of this section. A reasonable fee may be charged for
3 the value of work done.

4 **Sec. 4.** RCW 26.33.200 and 1990 c 146 s 4 are each amended to read
5 as follows:

6 (1) Except as provided in RCW 26.33.220, at the time the petition
7 for adoption is filed, the court shall order a postplacement report
8 made to determine the nature and adequacy of the placement and to
9 determine if the placement is in the best interest of the child. The
10 report shall be prepared by an agency, the department, an individual
11 approved by the court, or a qualified salaried court employee appointed
12 by the court. A certificate signed under penalty of perjury by the
13 person preparing the report specifying his or her qualifications as
14 required in this chapter shall be attached to or filed with each
15 postplacement report. The report shall be in writing and contain all
16 reasonably available information concerning the physical and mental
17 condition of the child, home environment, family life, existence of
18 extended family and community connections to serve as support, planned
19 approach to child discipline and punishment, health, facilities and
20 resources of the petitioners, and any other facts and circumstances
21 relating to the propriety and advisability of the adoption. The
22 fitness of a parent shall not be based on the person's sincerely held
23 religious or philosophical beliefs and practices regarding child
24 discipline and punishment that do not otherwise constitute a violation
25 of state law. The report shall also include, if relevant, information
26 on the child's special cultural heritage, including membership in any
27 Indian tribe or band. The report shall be filed within sixty days of
28 the date of appointment, unless the time is extended by the court. The
29 preplacement report shall be made available to the person appointed to
30 make the postplacement report.

31 (2) A fee may be charged for preparation of the postplacement
32 report in the same manner as for a preplacement report under RCW
33 26.33.190.

34 **Sec. 5.** RCW 26.33.300 and 1991 c 3 s 288 are each amended to read
35 as follows:

36 The department of health shall be a depository for statistical data

1 concerning adoption. It shall furnish to the clerk of each county a
2 data card which shall be completed and filed with the clerk on behalf
3 of each petitioner. The data card must indicate if the child being
4 adopted has previously been adopted and if this is a second or
5 subsequent adoption for the child. The clerk shall forward the
6 completed cards to the department of health which shall compile the
7 data, share the data with the department of social and health services,
8 and publish reports summarizing the data. A birth certificate shall
9 not be issued showing the petitioner as the parent of any child adopted
10 in the state of Washington until a data card has been completed and
11 filed.

12 **Sec. 6.** RCW 43.06A.030 and 2013 c 23 s 73 are each amended to read
13 as follows:

14 The ombuds shall perform the following duties:

15 (1) Provide information as appropriate on the rights and
16 responsibilities of individuals receiving family and children's
17 services, and on the procedures for providing these services;

18 (2) Investigate, upon his or her own initiative or upon receipt of
19 a complaint, an administrative act alleged to be contrary to law, rule,
20 or policy, imposed without an adequate statement of reason, or based on
21 irrelevant, immaterial, or erroneous grounds; however, the ombuds may
22 decline to investigate any complaint as provided by rules adopted under
23 this chapter;

24 (3) Monitor the procedures as established, implemented, and
25 practiced by the department to carry out its responsibilities in
26 delivering family and children's services with a view toward
27 appropriate preservation of families and ensuring children's health and
28 safety;

29 (4) Review periodically the facilities and procedures of state
30 institutions serving children, and state-licensed facilities or
31 residences;

32 (5) Recommend changes in the procedures for addressing the needs of
33 families and children;

34 (6) Submit annually to the committee and to the governor by
35 November 1st a report analyzing the work of the office, including
36 recommendations and information regarding the progress made by the

1 department of social and health services in implementing
2 recommendations made in the report on severe abuse of adopted children;

3 (7) Grant the committee access to all relevant records in the
4 possession of the ombuds unless prohibited by law; and

5 (8) Adopt rules necessary to implement this chapter.

6 NEW SECTION. Sec. 7. A new section is added to chapter 43.06A RCW
7 to read as follows:

8 (1) Beginning in 2014, and in even-numbered years thereafter, the
9 ombuds shall convene a work group to compile a list of informational
10 and resource materials that must be provided to prospective adoptive
11 parents by the agency, the department, an individual approved by the
12 court, or a qualified salaried court employee requested to prepare a
13 preplacement report pursuant to RCW 26.33.190.

14 (2) The work group must include the ombuds or his or her designee,
15 an individual approved by the court to prepare preplacement reports, an
16 attorney whose practice includes adoption law, an adoptive parent, an
17 adult who was adopted as a child, and representatives from the
18 following: The department of social and health services; the
19 administrative office of the courts; a domestic adoption agency; an
20 international adoption agency; and two or more ethnic and cultural
21 organizations expressing interest in outreach to adoptive parents and
22 children. Other members may be added as deemed appropriate by the work
23 group.

24 (3) The work group shall review informational and resource
25 materials currently provided to prospective adoptive parents, as well
26 as other materials recommended by work group members, and compile a
27 list of materials that must be provided to prospective adoptive parents
28 during preparation of the preplacement report. Included on such list
29 must be information relative to: Child abuse statutes and rules in the
30 state; availability of mental health services; training and educational
31 opportunities for parents in general and adoptive parents in
32 particular; respite services; ethnic and cultural community
33 organizations; and information, services, and outreach opportunities
34 available to adoptive children. Other materials may be included as
35 deemed appropriate by the work group.

36 (4) By December 31, 2014, the initial list must be: (a) Posted on
37 the public web sites of the office of the family and children's ombuds

1 and the department of social and health services; and (b) disseminated
2 to other agencies and persons identified by the work group. Updated
3 lists must thereafter be posted and disseminated on or before December
4 31st in even-numbered years."

5 Correct the title.

EFFECT: Replaces the intent section, such that it no longer contains specific reference to the 2012 Report on Severe Abuse of Adopted Children (Report), but instead expresses legislative intent to make changes to adoption laws in order to foster safe, positive experiences for adoptive children and their adoptive families.

Adds continuing education requirements for persons preparing preplacement and postplacement reports and provides more specificity with respect to their requisite education and background experience.

Continues to require that a home study investigation for purposes of preplacement and postplacement reports include consideration of the planned approach to child discipline and punishment and adds another requirement regarding the existence of extended family and community connections to serve as support.

Continues to provide that the fitness of a parent shall not be based on the person's sincerely held religious or philosophical beliefs regarding child discipline that do not otherwise constitute a violation of state law.

Continues to require that prior preplacement reports, whether complete or incomplete, be filed with the court and additionally specifies that subsequent preplacement reports include references to prior reports.

Adds a requirement that the Office of the Family and Children's Ombuds (OFCO) periodically convene a work group to compile a list of informational and resource materials to be posted on state web sites and provided to prospective adoptive parents.

Adds a requirement that prospective adoptive parents be provided with copies of state child abuse laws and the list of materials compiled by the work group.

Continues to require OFCO to include in its annual report to the Legislature and the Governor information on the progress made by the Department of Social and Health Services in implementing recommendations made in the Report.

Adds a requirement that the adoption data card indicate if the child being adopted has previously been adopted and requires the Department of Health to share the data with the Department of Social and Health Services.

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