

HOUSE BILL REPORT

ESHB 1675

As Passed House:
March 6, 2013

Title: An act relating to improving the adoption process.

Brief Description: Improving the adoption process.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Roberts, Orwall, Goodman, Kirby, Jinkins, Pedersen, Farrell, Kagi, Freeman and Ryu).

Brief History:

Committee Activity:

Judiciary: 2/20/13, 2/21/13 [DPS].

Floor Activity:

Passed House: 3/6/13, 90-7.

Brief Summary of Engrossed Substitute Bill

- Makes changes to the adoption process following recommendations in the September 2012 Severe Abuse of Adopted Children Committee Report.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Pedersen, Chair; Hansen, Vice Chair; O'Ban, Assistant Ranking Minority Member; Goodman, Jinkins, Kirby, Nealey, Orwall and Roberts.

Minority Report: Do not pass. Signed by 4 members: Representatives Rodne, Ranking Minority Member; Hope, Klippert and Shea.

Staff: Cece Clynch (786-7195).

Background:

In response to issues identified by the Office of the Family and Children's Ombudsman (OFCO) concerning cases of severe child abuse and neglect of adopted children, the Governor requested that the Department of Social and Health Services' (DSHS) Children's

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.

Administration (CA) and OFCO convene a workgroup to examine these issues and make recommendations to improve the adoption process and protect children. Committee members, in addition to representatives from DSHS and OFCO, included a superior court judge, assistant attorneys general, a foster/adoptive parent, physicians from the University of Washington and Harborview Medical Center, and representatives from adoption agencies, a public defense firm, the Governor's Office, the Children's Home Society, and Casey Family Programs.

The group issued a report in September 2012 entitled "Severe Abuse of Adopted Children Committee Report." With respect to the recommendations made, it was acknowledged that most would involve amending state law, administrative regulation, or agency policies and would likely require additional resources for implementation. The recommendations, grouped in categories per the report, are set forth below:

- State oversight of child placing agencies:
 - strengthen state oversight of child placing agencies providing adoption services by enacting administrative rules consistent with The Hague Convention and federal laws and regulations;
 - The DSHS should develop and distribute a list of key concerns or "red flags" regarding troubled adoptions; and
 - The DSHS should establish a procedure to track adoption disruption and dissolution.
- Assessing prospective adoptive families:
 - strengthen qualifications for individuals conducting adoption home studies and post placement reports;
 - enhance minimum requirements for adoption home studies;
 - establish procedures to ensure that all adoption home studies are filed or recorded as currently required by state law;
 - The CA should establish an internal committee to make adoption decisions for dependent children; and
 - enhance minimum requirements for post-placement reports.
- Training and post adoption support services:
 - improve training and preparation for prospective adoptive parents;
 - create minimum training requirements for child placing agency staff;
 - provide training to professionals who are directly or indirectly involved with the adoption process; and
 - enhance support services for adoptive families.

Summary of Engrossed Substitute Bill:

Intent.

The Legislature recognizes that, in order to implement the majority of the recommendations made in the September 2012 Report on Severe Abuse Of Adopted Children, it is important that the DSHS develop a detailed work plan identifying a strategy and time frame to carry out the reforms. It further recognizes, however, that some of the recommendations require statutory changes and, in order that these recommendations not languish, the Legislature is making those changes now.

Changes Related to State Oversight of Child Placing Agencies.

It is the duty of the Secretary of the DSHS to establish procedures and requirements for identifying, tracking, and reporting adoption disruption and dissolution, and the factors leading thereto, including requiring regular reports from child-placing agencies relating to children placed for adoption.

Changes Related to Assessing Prospective Adoptive Families.

Preplacement reports must include a background check of any prior preplacement reports, whether these reports were completed or not. Preplacement reports that are not completed are required to be filed in the same manner as completed preplacement reports.

In addition to areas of inquiry already required, such as home environment, family life, health, facilities, and resources, the preplacement report must also include the planned approach to child discipline and punishment. Similarly, the postplacement report must contain all reasonably available information regarding the planned approach to child discipline and punishment, in addition to current information requisites such as physical and mental condition of the child, home environment, family life, health, facilities, and resources, and any other facts and circumstances relating to the propriety and advisability of the adoption. The fitness of a parent is not to be based on the person's sincerely held religious or philosophical beliefs and practices regarding child discipline and punishment that do not otherwise constitute a violation of state law.

Report on Progress in Implementing Recommendations.

The OFCO must include in its annual report to the Legislature and the Governor information regarding the progress made by the DSHS in implementing recommendations made in the Report on Severe Abuse of Adopted Children.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The impetus for this bill was the report on abuse of adopted children, which focused on what happened to 15 children. Out of those 15, two died, four were the victims of sexual abuse, and there were five cases in which food was withheld as a form of punishment leading to diagnoses of severe malnourishment. Many of these adoptive parents ended up being prosecuted. Once a child is adopted, there is not a role for the state unless things go wrong. The point of this bill is to try to make sure that the placement is right before the adoption occurs. Data collection will go a long way to allowing an understanding of how many, what, and where things go wrong. There is no new report requirement, rather the reporting is folded into a report that the OFCO already issues annually. The bill includes some small steps to assure the adoption process is thorough and that adoptions are safe and successful. Inquiring with respect to the planned approach to discipline and punishment will put this on the radar for prospective parents to consider prior to adoption and it will give the social worker an opportunity to know whether the parent has given this thought. If there are

red flags, it is best to see these in the beginning. There is a need for more adoptive parents. There must be concern for the safety and well-being of the child. No child coming out of the system is entirely free of trauma and there will be challenges in raising any child. These should be thought about in advance. In 2012 there was a distressing spike in abuse of adopted children, including sexual abuse, starvation, beating, and locking in a closet. This bill only addresses a few changes that can be made immediately, but implies that there will be more changes in the future. The Ethiopian Community in Seattle looks forward to more significant changes in the future because these changes don't go very far and, if they had been in place, wouldn't have done very much to prevent what happened. A proper home study should be undertaken by a team. In addition, parents must have an understanding of culture. An inquiry about discipline is not enough. There will be prospective parents who "pass" but will be unprepared to be adoptive parents. Much further reaching, more vigorous changes are needed to achieve results. Society has a duty to do a better job, especially when children are being brought here from other countries. The bill is a good starting place but there needs to be much more visionary change in the future and the Adoptive Parents of Ethiopian Children and the Ethiopian Community will be reconvening to discuss future recommendations.

(Neutral) The intent of the bill has strong support from the OFCO, although the agency remains neutral on specific legislation. Knowing the attitude toward discipline and punishment is helpful to making the right adoptive match. For instance, a 12-year-old who is in the foster system because of physical abuse perhaps shouldn't be placed with parents who are strong proponents of corporal punishment. That might not lead to a successful adoptive match. Data is needed with respect to failed and disrupted adoptions. Both the numbers and the reasons need to be known. This bill will allow that to happen through the change with respect to the DOH data card and tasking the DSHS to track disruptions. The DSHS is uniquely situated to be able to do this because it already has direct involvement with adoptions of foster children, it has oversight of private placement agencies, and it has a role when there is alleged abuse. This bill will require all preplacement reports, whether complete or incomplete, to be filed and this is important. The OFCO welcomes the reporting requirement as entirely consistent with its mission. Although this bill does not address all of the recommendations in the 2012 report, many of those recommendations do not need legislative action.

(With concerns) In an ideal world, a team approach to home studies might be helpful, but it will cost money and it is not necessary. An appropriately qualified individual can do the home study.

Persons Testifying: (In support) Representative Roberts, prime sponsor; Muhhmebet Retta, Lydia Assefa-Dawson, and David Guterson, Ethiopian Community Center.

(Neutral) Patrick Dowd, Office of the Family and Children's Ombudsman.

(With concerns) Rick Bartholomew, Family Law Section of the Washington State Bar Association.

Persons Signed In To Testify But Not Testifying: None.