

HOUSE BILL REPORT

2ESHB 1675

As Passed House:
February 11, 2014

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.

Floor Activity:

Passed House: 2/11/14, 98-0.

Brief Summary of Second Engrossed Substitute Bill

- Makes changes to the adoption process regarding:
 - education, experience, and continuing education required of persons investigating the fitness of prospective adoptive parents;
 - the investigation that is conducted in preparation of the preplacement and postplacement reports;
 - documents that must be filed with the court;
 - resource materials of which prospective parents must be made aware; and
 - progress made in implementing changes recommended in the 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 Jinkins, Chair; Pedersen, Chair; Hansen, Vice Chair; Nealey, Assistant Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Kirby, Orwall and Roberts.

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.

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

Staff: Cece Clynch (786-7195).

Background:

Preplacement and Postplacement Reports.

A preplacement report addresses the fitness of a person as an adoptive parent. A prospective adoptive parent initiates the preparation of a preplacement report by making a request. A prospective adoptive parent may have more than one preplacement report prepared, and may also request that a report not be completed.

Preplacement reports must include an investigation of the home environment, family life, health, facilities, and resources of the prospective adoptive parent. These reports also include a background check of conviction records, pending charges, or disciplinary board final decisions.

All preplacement reports are filed with the court in which the petition for adoption is filed. If no petition has been filed at the time the preplacement report is prepared, the report is indexed under the name of the person requesting the report. Any subsequent preplacement reports are to be filed together with the original report.

A postplacement report is also required to determine the nature and adequacy of the placement and whether the placement is in the best interest of the child. This written report must contain all reasonably available information concerning the physical and mental condition of the child, home environment, family life, health, facilities and resources of the petitioner, in addition to any other facts and circumstances related to the propriety and advisability of the adoption. The preplacement report is to be made available to the person making the postplacement report.

Qualifications of Individuals Preparing Preplacement and Postplacement Reports.

Persons conducting adoption preplacement and postplacement reports must have either a master's degree in social work or a related field and one year of experience in social work *or* a bachelor's degree and two years of experience. A court is authorized to permit someone without such qualifications to conduct these studies, but only if the court makes specific findings that the person has reasonably equivalent experience. There are no continuing education requirements specified in statute.

Adoption Data Card.

Per statute, an adoption data card must be completed and filed with the clerk of the court. The clerk is to forward this card to the Department of Health. Absent completion and filing of an adoption data card, a birth certificate showing the person who filed the petition for adoption as the parent may not be issued.

Report on Severe Abuse of Adopted Children.

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 Administration (CA) and OFCO convene a workgroup to examine these issues and make recommendations to improve the adoption process and protect children. The group issued a report in September 2012 entitled "Severe Abuse of Adopted Children Committee Report." 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 Second Engrossed Substitute Bill:

Preplacement and Postplacement Reports.

The investigation required for both preplacement and postplacement reports must also include:

- the existence of extended family and community connections to serve as support; and
- the planned approach to child discipline and punishment.

The fitness of a parent shall not 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.

All preplacement reports that are not completed must be filed with the court by the preparer. All preplacement reports must include a reference to any prior preplacement reports, whether those were complete or incomplete.

Preplacement reports filed after January 1, 2015, must include a verification from the person preparing the report that the prospective adoptive parents were provided with copies of state child abuse statutes and rules as well as the list of informational and resource materials

compiled by the workgroup convened by the Office of the Children and Family Ombuds (OFCO).

Qualification of Individuals Preparing Preplacement and Postplacement Reports.

The experience required of a person conducting a home study must be in family and children's services or adoption, rather than social work in general. In order to receive court authorization to conduct home studies despite the absence of the specific educational and experiential background specified in statute, the court must find that the person possesses an equivalent educational background as well as equivalent experience.

In addition to meeting education and experience requirements, persons conducting home studies must receive at least 30 hours of training every two years, either in-person or online, on issues related to adoption.

Adoption Data Card.

The adoption data card must indicate if the child being adopted has previously been adopted and if this is a second or subsequent adoption for the child. This data must be shared with the DSHS.

Informational and Resource Materials for Prospective Adoptive Parents.

Beginning in 2014, and every two years thereafter, the OFCO must convene a work group to compile a list of informational and resource materials that must be provided to prospective adoptive parents during preparation of the preplacement report. Included on the list must be information related to:

- child abuse statutes and rules;
- availability of mental health services;
- training and educational opportunities for parents in general and adoptive parents in particular;
- respite services;
- ethnic and cultural community organizations; and
- information, services, and outreach opportunities available to adoptive children.

By December 31, 2014, the initial list must be posted on public websites of the OFCO and the DSHS and disseminated to others. The list must be updated by December 31 of every even-numbered year.

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.