

# SENATE BILL REPORT

## ESHB 1675

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As of March 21, 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:** Passed House: 3/06/13, 90-7.

**Committee Activity:** Human Services & Corrections: 3/21/13.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Shani Bauer (786-7468)

**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 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 or 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 workgroup issued a report in September 2012 entitled "Severe Abuse of Adopted Children Committee Report." The cases studied and recommendations encompass all types of adoptions, including private adoptions, international adoptions, and adoptions facilitated through DSHS. Recommendations for improvement to the adoption process include the following:

- requiring individuals conducting adoption home studies to have adequate education, training, or licensing requirements;
- requiring adoption home studies and post-placement reports to include full information, objectivity, and a critical assessment of the adoptive family;
- requiring prospective adoptive parents to have adequate education, training, and preparation to adopt a child;

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- strengthening regulations governing licensed adoption agencies to increase the state's ability to monitor the performance of child-placing agencies; and
- improving supports and services that will strengthen adoptive families.

Many of the report recommendations, such as those prescribing requirements for a child-placing agency and the adoption process can be addressed through DSHS rule-making authority. Other recommendations will require amending state law.

In order to adopt a child, a prospective adoptive parent must obtain a pre-placement report. The pre-placement report is a written document prepared by a qualified person that sets forth relevant information relating to the fitness of the person to be an adoptive parent. The report is based on a study that includes an investigation of the home environment, family life, health, facilities, and resources of the proposed adoptive parent. The report must also include a background check of any criminal history or child abuse or neglect history of the proposed adoptive parent. A completed pre-placement report is filed in the county where the proposed adoptive parent designates the report should be filed. A person may request that a report not be completed.

Once a petition for adoption is filed, the court must order a post-placement report to determine the nature and adequacy of the placement and to determine if the placement is in the best interest of the child. The report is prepared by a qualified individual and 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 petitioners, and any other facts and circumstances relating to the propriety and advisability of adoption.

**Summary of Bill:** A pre-placement report and post-placement report must include information as to the adoptive parent's planned approach to child discipline and punishment. The fitness of a parent may 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 pre-placement reports must include a background check that includes any prior pre-placement reports, whether complete or incomplete. A person may request that a pre-placement report not be completed, but the incomplete report must be filed by the preparer.

The Secretary of DSHS must 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.

In submitting its annual report to the Governor, OFCO must include information regarding the progress made by DSHS in implementing recommendations made in the report on the Severe Abuse of Adopted Children.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Some stakeholders voiced concern regarding the child discipline and punishment language added to the pre-placement and post-placement reports. The concept of having a plan for responding to a child's misbehaviors is a foundational part of child abuse prevention. It is also important to track circumstances where an incomplete report was done in order to ensure that parents are not forum shopping in order to obtain a positive report. In requiring DSHS to track those adoptions that are disrupted or dissolved, we are hoping to obtain a better set of data and a better understanding of whether there are red flags for failed adoptions or abuse so as to do a better job of preventing issues in the future. Washington State sees approximately 2000 adoptions per year and most are successful. This bill addresses the concern that on occasion there is not a good result. The pre-adoption process is very time consuming but very necessary. Adoptive children may not have experienced abuse and neglect but all experienced loss. Having a dialogue in advance regarding how to deal with these issues is imperative to the adoption process.

OTHER: OFCO strongly supports the intent of this legislation to improve the adoption process, protect children, and strengthen families. OFCO first brought the issue of abuse of adopted children to the attention of the Governor. The workgroup convened for almost a year. Recommendations included in this bill include improvements to the home study and pre-placement process, tracking requirements for failed adoptions, and mechanisms to ensure the accountability of DSHS in implementing recommendations that do not require legislation. The bill also requires specific attention to child discipline as part of the home study. This is an important issue in matching up a child with a potential adoptive home. A child who was abused may not be a good match for a parent who believes in corporal punishment. DSHS and OFCO have concerns with the fitness language that was added on the House floor. This language is confusing and could impact a case worker's ability to conduct a thorough study regarding a potential adoptive home and obtain an appropriate match between a parent and an adoptive home.

**Persons Testifying:** PRO: Representative Roberts, prime sponsor; Lydia Assefa-Dawson, Ethiopian Community in Seattle, Hanna's Hope Committee; Maureen Evans, citizen.

OTHER: Patrick Dowd, OFCO; Randy Hart, DSHS.