
HOUSE BILL 1675

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By Representatives Roberts, Orwall, Goodman, Kirby, Jinkins, Pedersen, Farrell, Kagi, Freeman, and Ryu

Read first time 02/05/13. Referred to Committee on Judiciary.

1 AN ACT Relating to improving the adoption process; amending RCW
2 26.33.020, 26.33.190, and 26.33.200; reenacting and amending RCW
3 74.15.030; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** In September 2012, the office of the family
6 and children's ombudsman and the children's administration of the
7 department of social and health services issued their report on severe
8 abuse of adopted children. Included in the report are recommendations
9 for each phase of the adoption process, from assessing and training
10 prospective adoptive parents, to support services for adopted children
11 and their families. The report indicates that, in order to implement
12 the majority of the recommendations, it is important that the
13 children's administration develop a detailed work plan identifying a
14 strategy and time frame to carry out the reforms. While a work plan,
15 strategy, and time frame are important and necessary, the legislature
16 finds that some of the recommendations may require statutory changes.
17 In order that these recommendations not languish, the changes that can
18 be accomplished immediately are included in this act.

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

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Alleged father" means a person whose parent-child relationship
6 has not been terminated, who is not a presumed father under chapter
7 26.26 RCW, and who alleges himself or whom a party alleges to be the
8 father of the child. It includes a person whose marriage to the mother
9 was terminated more than three hundred days before the birth of the
10 child or who was separated from the mother more than three hundred days
11 before the birth of the child.

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

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

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

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

18 (6) "Department" means the department of social and health
19 services.

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

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

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

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

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

37 (12) "Individual approved by the court" or "qualified salaried
38 court employee" means a person who has a master's degree in social work

1 or a related field and one year of experience in social work, or a
2 bachelor's degree and two years of experience in social work(~~(, and~~
3 ~~includes a person not having such qualifications only if the court~~
4 ~~makes specific findings of fact that are entered of record establishing~~
5 ~~that the person has reasonably equivalent experience))).~~

6 (13) "Birth parent" means the biological mother or biological or
7 alleged father of a child, including a presumed father under chapter
8 26.26 RCW, whether or not any such person's parent-child relationship
9 has been terminated by a court of competent jurisdiction. "Birth
10 parent" does not include a biological mother or biological or alleged
11 father, including a presumed father under chapter 26.26 RCW, if the
12 parent-child relationship was terminated because of an act for which
13 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

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

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

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

1 (1) Any person may at any time request an agency, the department,
2 an individual approved by the court, or a qualified salaried court
3 employee to prepare a preplacement report. A certificate signed under
4 penalty of perjury by the person preparing the report specifying his or
5 her qualifications as required in this chapter shall be attached to or
6 filed with each preplacement report and shall include a statement of
7 training or experience that qualifies the person preparing the report
8 to discuss relevant adoption issues. A person may have more than one
9 preplacement report prepared. All preplacement reports shall be filed
10 with the court in which the petition for adoption is filed.

11 (2) The preplacement report shall be a written document setting
12 forth all relevant information relating to the fitness of the person
13 requesting the report as an adoptive parent. The report shall be based
14 on a study which shall include an investigation of the home
15 environment, family life, disciplinary and punishment philosophies and
16 practices, health, facilities, and resources of the person requesting
17 the report. The report shall include a list of the sources of
18 information on which the report is based. The report shall include a
19 recommendation as to the fitness of the person requesting the report to
20 be an adoptive parent. The report shall also verify that the following
21 issues were discussed with the prospective adoptive parents:

22 (a) The concept of adoption as a lifelong developmental process and
23 commitment;

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

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

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

31 (e) The child's possible questions about birth parents and
32 relatives; and

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

35 (3) All preplacement reports shall include a background check of
36 any prior preplacement reports, whether complete or incomplete, any
37 conviction records, pending charges, or disciplinary board final
38 decisions of prospective adoptive parents. The background check shall

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

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

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

31 (6) A copy of the completed preplacement report shall be delivered
32 to the person requesting the report.

33 (7) A person may request that a report not be completed. Reports
34 not completed must be filed in accordance with subsection (5) of this
35 section. A reasonable fee may be charged for the value of work done.

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

1 (1) Except as provided in RCW 26.33.220, at the time the petition
2 for adoption is filed, the court shall order a post-placement report
3 made to determine the nature and adequacy of the placement and to
4 determine if the placement is in the best interest of the child. The
5 report shall be prepared by an agency, the department, an individual
6 approved by the court, or a qualified salaried court employee appointed
7 by the court. A certificate signed under penalty of perjury by the
8 person preparing the report specifying his or her qualifications as
9 required in this chapter shall be attached to or filed with each post-
10 placement report. The report shall be in writing and contain all
11 reasonably available information concerning the physical and mental
12 condition of the child, home environment, family life, disciplinary and
13 punishment philosophies and practices, health, facilities and resources
14 of the petitioners, and any other facts and circumstances relating to
15 the propriety and advisability of the adoption. The report shall also
16 include, if relevant, information on the child's special cultural
17 heritage, including membership in any Indian tribe or band. The report
18 shall be filed within sixty days of the date of appointment, unless the
19 time is extended by the court. The preplacement report shall be made
20 available to the person appointed to make the post-placement report.

21 (2) A fee may be charged for preparation of the post-placement
22 report in the same manner as for a preplacement report under RCW
23 26.33.190.

24 **Sec. 5.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
25 each reenacted and amended to read as follows:

26 The secretary shall have the power and it shall be the secretary's
27 duty:

28 (1) In consultation with the children's services advisory
29 committee, and with the advice and assistance of persons representative
30 of the various type agencies to be licensed, to designate categories of
31 facilities for which separate or different requirements shall be
32 developed as may be appropriate whether because of variations in the
33 ages, sex and other characteristics of persons served, variations in
34 the purposes and services offered or size or structure of the agencies
35 to be licensed hereunder, or because of any other factor relevant
36 thereto;

1 (2) In consultation with the children's services advisory
2 committee, and with the advice and assistance of persons representative
3 of the various type agencies to be licensed, to adopt and publish
4 minimum requirements for licensing applicable to each of the various
5 categories of agencies to be licensed.

6 The minimum requirements shall be limited to:

7 (a) The size and suitability of a facility and the plan of
8 operation for carrying out the purpose for which an applicant seeks a
9 license;

10 (b) Obtaining background information and any out-of-state
11 equivalent, to determine whether the applicant or service provider is
12 disqualified and to determine the character, competence, and
13 suitability of an agency, the agency's employees, volunteers, and other
14 persons associated with an agency;

15 (c) Conducting background checks for those who will or may have
16 unsupervised access to children, expectant mothers, or individuals with
17 a developmental disability;

18 (d) Obtaining child protective services information or records
19 maintained in the department case management information system. No
20 unfounded allegation of child abuse or neglect as defined in RCW
21 26.44.020 may be disclosed to a child-placing agency, private adoption
22 agency, or any other provider licensed under this chapter;

23 (e) Submitting a fingerprint-based background check through the
24 Washington state patrol under chapter 10.97 RCW and through the federal
25 bureau of investigation for:

26 (i) Agencies and their staff, volunteers, students, and interns
27 when the agency is seeking license or relicense;

28 (ii) Foster care and adoption placements; and

29 (iii) Any adult living in a home where a child may be placed;

30 (f) If any adult living in the home has not resided in the state of
31 Washington for the preceding five years, the department shall review
32 any child abuse and neglect registries maintained by any state where
33 the adult has resided over the preceding five years;

34 (g) The cost of fingerprint background check fees will be paid as
35 required in RCW 43.43.837;

36 (h) National and state background information must be used solely
37 for the purpose of determining eligibility for a license and for

1 determining the character, suitability, and competence of those persons
2 or agencies, excluding parents, not required to be licensed who are
3 authorized to care for children or expectant mothers;

4 (i) The number of qualified persons required to render the type of
5 care and treatment for which an agency seeks a license;

6 (j) The safety, cleanliness, and general adequacy of the premises
7 to provide for the comfort, care and well-being of children, expectant
8 mothers or developmentally disabled persons;

9 (k) The provision of necessary care, including food, clothing,
10 supervision and discipline; physical, mental and social well-being; and
11 educational, recreational and spiritual opportunities for those served;

12 (l) The financial ability of an agency to comply with minimum
13 requirements established pursuant to chapter 74.15 RCW and RCW
14 74.13.031; and

15 (m) The maintenance of records pertaining to the admission,
16 progress, health and discharge of persons served;

17 (3) To investigate any person, including relatives by blood or
18 marriage except for parents, for character, suitability, and competence
19 in the care and treatment of children, expectant mothers, and
20 developmentally disabled persons prior to authorizing that person to
21 care for children, expectant mothers, and developmentally disabled
22 persons. However, if a child is placed with a relative under RCW
23 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
24 and competent to provide care and treatment the criminal history
25 background check required by this section need not be completed before
26 placement, but shall be completed as soon as possible after placement;

27 (4) On reports of alleged child abuse and neglect, to investigate
28 agencies in accordance with chapter 26.44 RCW, including child day-care
29 centers and family day-care homes, to determine whether the alleged
30 abuse or neglect has occurred, and whether child protective services or
31 referral to a law enforcement agency is appropriate;

32 (5) To issue, revoke, or deny licenses to agencies pursuant to
33 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
34 category of care which an agency is authorized to render and the ages,
35 sex and number of persons to be served;

36 (6) To prescribe the procedures and the form and contents of
37 reports necessary for the administration of chapter 74.15 RCW and RCW
38 74.13.031 and to require regular reports from each licensee;

1 (7) To inspect agencies periodically to determine whether or not
2 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
3 requirements adopted hereunder;

4 (8) To review requirements adopted hereunder at least every two
5 years and to adopt appropriate changes after consultation with affected
6 groups for child day-care requirements and with the children's services
7 advisory committee for requirements for other agencies; (~~and~~)

8 (9) To consult with public and private agencies in order to help
9 them improve their methods and facilities for the care of children,
10 expectant mothers and developmentally disabled persons; and

11 (10) To establish procedures and requirements for identifying,
12 tracking, and reporting adoption disruption and dissolution, and the
13 factors leading thereto, including requiring regular reports from
14 child-placing agencies relating to children placed for adoption.

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