

SSB 5548 - S AMD 966
By Senator Padden

NOT ADOPTED 01/26/2022

1 On page 2, line 27, after "amended." insert "This chapter only
2 applies to adoption or placement for adoption of a child who resides
3 in a foreign country at the time of adoption or placement."

4 On page 2, beginning on line 30, after "section" strike "
5 sections 202 and 203 of this act, and RCW 26.33.400 (as recodified by
6 this act)" and insert "and sections 202 through 204 of this act"

7 Beginning on page 4, line 27, strike all of section 204 and
8 insert the following:

9 "NEW SECTION. **Sec. 204.** ADVERTISEMENTS FOR ADOPTION OR OTHER
10 CUSTODY TRANSFER. (1) For the purposes of this section and unless the
11 context clearly requires otherwise, "advertisement" means
12 communication by newspaper, radio, television, handbills, placards or
13 other print, broadcast, or the electronic medium.

14 (2) No person or entity shall cause to be published for
15 circulation, or broadcast on a radio or television station, within
16 the geographic borders of this state, an advertisement of a child or
17 children offered or wanted for adoption or other custody transfer, or
18 shall hold himself or herself out through such advertisement as
19 having the ability to place, locate, dispose, or receive a child or
20 children for adoption or other custody transfer unless such person or
21 entity is:

22 (a) A duly authorized agent, contractee, or employee of the
23 department or a children's agency or institution licensed by the
24 department to care for and place children;

25 (b) A person who has a completed preplacement report as set forth
26 in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable
27 recommendation as to the fitness of the person to be an adoptive
28 parent, or such person's duly authorized uncompensated agent, or such
29 person's attorney who is licensed to practice in the state.
30 Verification of compliance with the requirements of this section

1 shall consist of a written declaration by the person or entity who
2 prepared the preplacement report.

3 Nothing in this section prohibits an attorney licensed to
4 practice in Washington state from advertising his or her availability
5 to practice or provide services related to the adoption or other
6 custody transfer of children.

7 (3) (a) A violation of subsection (2) of this section is a matter
8 affecting the public interest and constitutes an unfair or deceptive
9 act or practice in trade or commerce for the purpose of applying
10 chapter 19.86 RCW.

11 (b) The attorney general may bring an action in the name of the
12 state against any person violating the provisions of this section in
13 accordance with the provisions of RCW 19.86.080.

14 (c) Nothing in this section applies to any radio or television
15 station or any publisher, printer, or distributor of any newspaper,
16 magazine, billboard, or other advertising medium which accepts
17 advertising in good faith without knowledge of its violation of any
18 provision of this section after an attempt to verify the advertising
19 is in compliance with this section."

20 On page 6, beginning on line 8, after "through" strike "203 of
21 this act and RCW 26.33.400 (as recodified by this act)" and insert
22 "204 of this act"

23 On page 6, beginning on line 20, strike all of sections 306 and
24 307 and insert the following:

25 **"Sec. 306.** RCW 26.33.400 and 2006 c 248 s 4 are each amended to
26 read as follows:

27 (1) Unless the context clearly requires otherwise,
28 "advertisement" means communication by newspaper, radio, television,
29 handbills, placards or other print, broadcast, or the electronic
30 medium. This definition applies throughout this section.

31 (2) No person or entity shall cause to be published for
32 circulation, or broadcast on a radio or television station, within
33 the geographic borders of this state, an advertisement of a child or
34 children offered or wanted for adoption or other custody transfer, or
35 shall hold himself or herself out through such advertisement as
36 having the ability to place, locate, dispose, or receive a child or

1 children for adoption or other custody transfer unless such person or
2 entity is:

3 (a) A duly authorized agent, contractee, or employee of the
4 department or a children's agency or institution licensed by the
5 department to care for and place children;

6 (b) A person who has a completed preplacement report as set forth
7 in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable
8 recommendation as to the fitness of the person to be an adoptive
9 parent, or such person's duly authorized uncompensated agent, or such
10 person's attorney who is licensed to practice in the state.
11 Verification of compliance with the requirements of this section
12 shall consist of a written declaration by the person or entity who
13 prepared the preplacement report.

14 Nothing in this section prohibits an attorney licensed to
15 practice in Washington state from advertising his or her availability
16 to practice or provide services related to the adoption or other
17 custody transfer of children.

18 (3) (a) A violation of subsection (2) of this section is a matter
19 affecting the public interest and constitutes an unfair or deceptive
20 act or practice in trade or commerce for the purpose of applying
21 chapter 19.86 RCW.

22 (b) The attorney general may bring an action in the name of the
23 state against any person violating the provisions of this section in
24 accordance with the provisions of RCW 19.86.080.

25 (c) Nothing in this section applies to any radio or television
26 station or any publisher, printer, or distributor of any newspaper,
27 magazine, billboard, or other advertising medium which accepts
28 advertising in good faith without knowledge of its violation of any
29 provision of this section after an attempt to verify the advertising
30 is in compliance with this section."

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31 On page 1, line 3 of the title, strike "recodifying RCW
32 26.33.400; repealing RCW 26.33.370;"

EFFECT: Applies the uniform act only to adoptions or placement
for adoptions of children who reside in foreign countries at the time
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of adoption or placement. Retains existing laws regarding domestic unregulated child custody transfers. Prohibits unauthorized solicitation and advertising for the purpose of adopting or transferring or finding a child to adopt or transfer.

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