

HOUSE BILL REPORT

HB 2529

As Reported By House Committee On:
Judiciary
Appropriations

Title: An act relating to adoption.

Brief Description: Providing that persons and entities involved in adoption processes shall incur no liability.

Sponsors: Representatives Karahalios, Veloria and Mielke.

Brief History:

Reported by House Committee on:
Judiciary, February 2, 1994, DPS;
Appropriations, February 6, 1994, DPS(JUD).

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

Staff: Pat Shelledy (786-7149).

Background: Prospective adoptive parents are entitled to receive a complete medical report about the child that the parents may adopt. The medical report must contain all available information concerning the child's mental, physical and sensory handicaps. The report must not identify the natural parents but must contain information about the natural parents' mental or physical health history that is necessary to help the adoptive parents determine proper health care for the child. Prospective adoptive parents are also entitled to a report concerning the child's family background and social history report, which includes a chronological history of the circumstances surrounding the adoption. Every person, firm, society, association or corporation which receives, secures a home for, or otherwise cares for the child who is going to be adopted must provide the information to the prospective adoptive parents.

Summary of Substitute Bill: State agencies are added to the list of persons and entities which must provide information about the child to the prospective adoptive parents. Entities furnishing the information only have an obligation to provide information that is "reasonably" available. Entities with a responsibility to furnish the information must make reasonable efforts to locate records and pertinent information. The entities do not have any obligation to interpret the records for the prospective adoptive parents. If the entity makes reasonable efforts to locate pertinent information and provide the information to the prospective adoptive parents, the entity will not be subject to liability regarding the child's current or future health. Failure to make reasonable efforts to locate information is ordinary negligence.

Substitute Bill Compared to Original Bill: The liability provisions are rewritten to clarify what an agency's responsibilities are and when an agency will be free from liability.

Fiscal Note: Not requested.

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

Testimony For: Adoption agencies are being sued for failing to provide information to the adopting parents about the child's medical background. Although current law is clear about what information must be provided to adopting parents, former statutes were much less clear. In addition, the medical effects of certain behaviors, such as drinking and smoking during pregnancy, were not clear until recently. Adoption agencies must have some protection from liability for lawsuits when they operate in good faith in providing information to prospective adoptive parents.

Testimony Against: None.

Witnesses: Representative Sue Karahalios, prime sponsor (pro); Mark Demaray, Washington State Adoption Council (pro); Dini Duclos, Medina Children's Services (pro); Jane Silverberg, Medina Children's Services (pro); Margaret Casey, Washington State Catholic Conference (pro); and Laurie Lippold, Children's Alliance (pro).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Sommers,

Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry and Wolfe.

Staff: Beth Redfield (786-7130).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Judiciary: No new changes were recommended.

Fiscal Note: Not requested.

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

Testimony For: This is a proactive measure which will increase protections for adoption agencies.

Testimony Against: None.

Witnesses: (In favor) Margaret Casey, Washington State Catholic Conference; and Laurie Lippold, Children's Alliance.