
SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1675

State of Washington

63rd Legislature

2014 Regular Session

By House Judiciary (originally sponsored by Representatives Roberts, Orwall, Goodman, Kirby, Jenkins, Pedersen, Farrell, Kagi, Freeman, and Ryu)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to improving the adoption process; amending RCW
2 26.33.020, 26.33.190, 26.33.200, 26.33.300, and 43.06A.030; adding a
3 new section to chapter 43.06A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that identifying,
6 assessing, and finalizing a permanent adoptive home for a child is a
7 complex process. Professionals must balance expediting a permanent
8 home for a child with investigating and determining whether the health,
9 safety, and well-being of a particular child will be advanced through
10 permanent placement in a particular adoptive home and family. The
11 legislature intends to make certain changes to the laws relative to the
12 adoption process in order to foster safe, positive experiences for
13 adoptive children and their adoptive families.

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

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

1 (1) "Alleged father" means a person whose parent-child relationship
2 has not been terminated, who is not a presumed father under chapter
3 26.26 RCW, and who alleges himself or whom a party alleges to be the
4 father of the child. It includes a person whose marriage to the mother
5 was terminated more than three hundred days before the birth of the
6 child or who was separated from the mother more than three hundred days
7 before the birth of the child.

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

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

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

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

14 (6) "Department" means the department of social and health
15 services.

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

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

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

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

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

33 (12) "Individual approved by the court" or "qualified salaried
34 court employee" means a person who has a master's degree in social work
35 or a related field and one year of experience in (~~social work~~) family
36 and children's services or adoption, or a bachelor's degree in social
37 work or a related field and two years of experience in (~~social work~~)
38 family and children's services or adoption, and includes a person not

1 having such qualifications only if the court makes specific findings of
2 fact that are entered of record establishing that the person has
3 reasonably equivalent education and experience. In addition to meeting
4 education and experience requirements, all such persons must receive at
5 least thirty hours of training every two years, either in-person or
6 online, on issues relative to adoption including, but not limited to:
7 Pertinent laws and regulations; ethical considerations; cultural
8 diversity; factors that lead to the need for adoption; feelings of
9 separation, grief, and loss experienced by children; attachment and
10 posttraumatic stress disorder; and psychological issues faced by
11 children.

12 (13) "Birth parent" means the biological mother or biological or
13 alleged father of a child, including a presumed father under chapter
14 26.26 RCW, whether or not any such person's parent-child relationship
15 has been terminated by a court of competent jurisdiction. "Birth
16 parent" does not include a biological mother or biological or alleged
17 father, including a presumed father under chapter 26.26 RCW, if the
18 parent-child relationship was terminated because of an act for which
19 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

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

- 23 (a) Age in years at the time of adoption;
- 24 (b) Heritage, including nationality, ethnic background, and race;
- 25 (c) Education, including number of years of school completed at the
26 time of adoption, but not name or location of school;
- 27 (d) General physical appearance, including height, weight, color of
28 hair, eyes, and skin, or other information of a similar nature;
- 29 (e) Religion;
- 30 (f) Occupation, but not specific titles or places of employment;
- 31 (g) Talents, hobbies, and special interests;
- 32 (h) Circumstances leading to the adoption;
- 33 (i) Medical and genetic history of birth parents;
- 34 (j) First names;
- 35 (k) Other children of birth parents by age, sex, and medical
36 history;

37 (l) Extended family of birth parents by age, sex, and medical
38 history;

- 1 (m) The fact of the death, and age and cause, if known;
- 2 (n) Photographs;
- 3 (o) Name of agency or individual that facilitated the adoption.

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

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

16 (2) The preplacement report shall be a written document setting
17 forth all relevant information relating to the fitness of the person
18 requesting the report as an adoptive parent. The report shall be based
19 on a study which shall include an investigation of the home
20 environment, family life, existence of extended family and community
21 connections to serve as support, planned approach to child discipline
22 and punishment, health, facilities, and resources of the person
23 requesting the report. The fitness of a parent shall not be based on
24 the person's sincerely held religious or philosophical beliefs and
25 practices regarding child discipline and punishment that do not
26 otherwise constitute a violation of state law. The report shall
27 include a list of the sources of information on which the report is
28 based. The report shall include a recommendation as to the fitness of
29 the person requesting the report to be an adoptive parent. The report
30 shall also verify that the following issues were discussed with the
31 prospective adoptive parents:

32 (a) The concept of adoption as a lifelong developmental process and
33 commitment;

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

36 (c) If applicable, the relevance of the child's relationship with

1 siblings and the potential benefit to the child of providing for a
2 continuing relationship and contact between the child and known
3 siblings;

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

5 (e) The child's possible questions about birth parents and
6 relatives; and

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

9 (3) All preplacement reports shall include a background check of
10 any conviction records, pending charges, or disciplinary board final
11 decisions of prospective adoptive parents and a reference to any prior
12 preplacement reports, whether complete or incomplete. The background
13 check shall include an examination of state and national criminal
14 identification data provided by the Washington state patrol criminal
15 identification system including, but not limited to, a fingerprint-
16 based background check of national crime information databases for any
17 person being investigated. It shall also include a review of any child
18 abuse and neglect history of any adult living in the prospective
19 adoptive parents' home. The background check of the child abuse and
20 neglect history shall include a review of the child abuse and neglect
21 registries of all states in which the prospective adoptive parents or
22 any other adult living in the home have lived during the five years
23 preceding the date of the preplacement report.

24 (4) On all preplacement reports filed after January 1, 2015, the
25 preparer shall verify that the prospective adoptive parents were
26 provided with: (a) Copies of Washington state child abuse statutes and
27 rules; and (b) the list of informational and resource materials
28 developed and posted pursuant to section 7 of this act.

29 (5) An agency, the department, or a court approved individual may
30 charge a reasonable fee based on the time spent in conducting the study
31 and preparing the preplacement report. The court may set a reasonable
32 fee for conducting the study and preparing the report when a court
33 employee has prepared the report. An agency, the department, a court
34 approved individual, or the court may reduce or waive the fee if the
35 financial condition of the person requesting the report so warrants.
36 An agency's, the department's, or court approved individual's, fee is
37 subject to review by the court upon request of the person requesting
38 the report.

1 ~~((5))~~ (6) The person requesting the report shall designate to the
2 agency, the department, the court approved individual, or the court in
3 writing the county in which the preplacement report is to be filed. If
4 the person requesting the report has not filed a petition for adoption,
5 the report shall be indexed in the name of the person requesting the
6 report and a cause number shall be assigned. A fee shall not be
7 charged for filing the report. The applicable filing fee may be
8 charged at the time a petition governed by this chapter is filed. Any
9 subsequent preplacement reports shall be filed together with the
10 original report.

11 ~~((6))~~ (7) A copy of the completed preplacement report shall be
12 delivered to the person requesting the report.

13 ~~((7))~~ (8) A person may request that a report not be completed.
14 Reports not completed must be filed by the preparer in accordance with
15 subsection (6) of this section. A reasonable fee may be charged for
16 the value of work done.

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

19 (1) Except as provided in RCW 26.33.220, at the time the petition
20 for adoption is filed, the court shall order a postplacement report
21 made to determine the nature and adequacy of the placement and to
22 determine if the placement is in the best interest of the child. The
23 report shall be prepared by an agency, the department, an individual
24 approved by the court, or a qualified salaried court employee appointed
25 by the court. A certificate signed under penalty of perjury by the
26 person preparing the report specifying his or her qualifications as
27 required in this chapter shall be attached to or filed with each
28 postplacement report. The report shall be in writing and contain all
29 reasonably available information concerning the physical and mental
30 condition of the child, home environment, family life, existence of
31 extended family and community connections to serve as support, planned
32 approach to child discipline and punishment, health, facilities and
33 resources of the petitioners, and any other facts and circumstances
34 relating to the propriety and advisability of the adoption. The
35 fitness of a parent shall not be based on the person's sincerely held
36 religious or philosophical beliefs and practices regarding child
37 discipline and punishment that do not otherwise constitute a violation

1 of state law. The report shall also include, if relevant, information
2 on the child's special cultural heritage, including membership in any
3 Indian tribe or band. The report shall be filed within sixty days of
4 the date of appointment, unless the time is extended by the court. The
5 preplacement report shall be made available to the person appointed to
6 make the postplacement report.

7 (2) A fee may be charged for preparation of the postplacement
8 report in the same manner as for a preplacement report under RCW
9 26.33.190.

10 **Sec. 5.** RCW 26.33.300 and 1991 c 3 s 288 are each amended to read
11 as follows:

12 The department of health shall be a depository for statistical data
13 concerning adoption. It shall furnish to the clerk of each county a
14 data card which shall be completed and filed with the clerk on behalf
15 of each petitioner. The data card must indicate if the child being
16 adopted has previously been adopted and if this is a second or
17 subsequent adoption for the child. The clerk shall forward the
18 completed cards to the department of health which shall compile the
19 data, share the data with the department of social and health services,
20 and publish reports summarizing the data. A birth certificate shall
21 not be issued showing the petitioner as the parent of any child adopted
22 in the state of Washington until a data card has been completed and
23 filed.

24 **Sec. 6.** RCW 43.06A.030 and 2013 c 23 s 73 are each amended to read
25 as follows:

26 The ombuds shall perform the following duties:

27 (1) Provide information as appropriate on the rights and
28 responsibilities of individuals receiving family and children's
29 services, and on the procedures for providing these services;

30 (2) Investigate, upon his or her own initiative or upon receipt of
31 a complaint, an administrative act alleged to be contrary to law, rule,
32 or policy, imposed without an adequate statement of reason, or based on
33 irrelevant, immaterial, or erroneous grounds; however, the ombuds may
34 decline to investigate any complaint as provided by rules adopted under
35 this chapter;

1 (3) Monitor the procedures as established, implemented, and
2 practiced by the department to carry out its responsibilities in
3 delivering family and children's services with a view toward
4 appropriate preservation of families and ensuring children's health and
5 safety;

6 (4) Review periodically the facilities and procedures of state
7 institutions serving children, and state-licensed facilities or
8 residences;

9 (5) Recommend changes in the procedures for addressing the needs of
10 families and children;

11 (6) Submit annually to the committee and to the governor by
12 November 1st a report analyzing the work of the office, including
13 recommendations and information regarding the progress made by the
14 department of social and health services in implementing
15 recommendations made in the report on severe abuse of adopted children;

16 (7) Grant the committee access to all relevant records in the
17 possession of the ombuds unless prohibited by law; and

18 (8) Adopt rules necessary to implement this chapter.

19 NEW SECTION. Sec. 7. A new section is added to chapter 43.06A RCW
20 to read as follows:

21 (1) Beginning in 2014, and in even-numbered years thereafter, the
22 ombuds shall convene a work group to compile a list of informational
23 and resource materials that must be provided to prospective adoptive
24 parents by the agency, the department, an individual approved by the
25 court, or a qualified salaried court employee requested to prepare a
26 preplacement report pursuant to RCW 26.33.190.

27 (2) The work group must include the ombuds or his or her designee,
28 an individual approved by the court to prepare preplacement reports, an
29 attorney whose practice includes adoption law, an adoptive parent, an
30 adult who was adopted as a child, and representatives from the
31 following: The department of social and health services; the
32 administrative office of the courts; a domestic adoption agency; an
33 international adoption agency; and two or more ethnic and cultural
34 organizations expressing interest in outreach to adoptive parents and
35 children. Other members may be added as deemed appropriate by the work
36 group.

1 (3) The work group shall review informational and resource
2 materials currently provided to prospective adoptive parents, as well
3 as other materials recommended by work group members, and compile a
4 list of materials that must be provided to prospective adoptive parents
5 during preparation of the preplacement report. Included on such list
6 must be information relative to: Child abuse statutes and rules in the
7 state; availability of mental health services; training and educational
8 opportunities for parents in general and adoptive parents in
9 particular; respite services; ethnic and cultural community
10 organizations; and information, services, and outreach opportunities
11 available to adoptive children. Other materials may be included as
12 deemed appropriate by the work group.

13 (4) By December 31, 2014, the initial list must be: (a) Posted on
14 the public web sites of the office of the family and children's ombuds
15 and the department of social and health services; and (b) disseminated
16 to other agencies and persons identified by the work group. Updated
17 lists must thereafter be posted and disseminated on or before December
18 31st in even-numbered years.

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