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**ENGROSSED SUBSTITUTE HOUSE BILL 1675**

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**State of Washington**

**63rd Legislature**

**2013 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 26.33.190, 26.33.200, 26.33.300, and 43.06A.030; reenacting and  
3 amending RCW 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 26.33.190 and 2009 c 234 s 4 are each amended to read  
2 as follows:

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

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

28       (a) The concept of adoption as a lifelong developmental process and  
29 commitment;

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

32       (c) If applicable, the relevance of the child's relationship with  
33 siblings and the potential benefit to the child of providing for a  
34 continuing relationship and contact between the child and known  
35 siblings;

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

37       (e) The child's possible questions about birth parents and  
38 relatives; and

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

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

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

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

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

1 (7) A person may request that a report not be completed. Reports  
2 not completed must be filed by the preparer in accordance with  
3 subsection (5) of this section. A reasonable fee may be charged for  
4 the value of work done.

5 **Sec. 3.** RCW 26.33.200 and 1990 c 146 s 4 are each amended to read  
6 as follows:

7 (1) Except as provided in RCW 26.33.220, at the time the petition  
8 for adoption is filed, the court shall order a post-placement report  
9 made to determine the nature and adequacy of the placement and to  
10 determine if the placement is in the best interest of the child. The  
11 report shall be prepared by an agency, the department, an individual  
12 approved by the court, or a qualified salaried court employee appointed  
13 by the court. A certificate signed under penalty of perjury by the  
14 person preparing the report specifying his or her qualifications as  
15 required in this chapter shall be attached to or filed with each post-  
16 placement report. The report shall be in writing and contain all  
17 reasonably available information concerning the physical and mental  
18 condition of the child, home environment, family life, planned approach  
19 to child discipline and punishment, health, facilities and resources of  
20 the petitioners, and any other facts and circumstances relating to the  
21 propriety and advisability of the adoption. The fitness of a parent  
22 shall not be based on the person's sincerely held religious or  
23 philosophical beliefs and practices regarding child discipline and  
24 punishment that do not otherwise constitute a violation of state law.  
25 The report shall also include, if relevant, information on the child's  
26 special cultural heritage, including membership in any Indian tribe or  
27 band. The report shall be filed within sixty days of the date of  
28 appointment, unless the time is extended by the court. The  
29 preplacement report shall be made available to the person appointed to  
30 make the post-placement report.

31 (2) A fee may be charged for preparation of the post-placement  
32 report in the same manner as for a preplacement report under RCW  
33 26.33.190.

34 **Sec. 4.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are  
35 each reenacted and amended to read as follows:

1       The secretary shall have the power and it shall be the secretary's  
2 duty:

3       (1) In consultation with the children's services advisory  
4 committee, and with the advice and assistance of persons representative  
5 of the various type agencies to be licensed, to designate categories of  
6 facilities for which separate or different requirements shall be  
7 developed as may be appropriate whether because of variations in the  
8 ages, sex and other characteristics of persons served, variations in  
9 the purposes and services offered or size or structure of the agencies  
10 to be licensed hereunder, or because of any other factor relevant  
11 thereto;

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

17       The minimum requirements shall be limited to:

18       (a) The size and suitability of a facility and the plan of  
19 operation for carrying out the purpose for which an applicant seeks a  
20 license;

21       (b) Obtaining background information and any out-of-state  
22 equivalent, to determine whether the applicant or service provider is  
23 disqualified and to determine the character, competence, and  
24 suitability of an agency, the agency's employees, volunteers, and other  
25 persons associated with an agency;

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

29       (d) Obtaining child protective services information or records  
30 maintained in the department case management information system. No  
31 unfounded allegation of child abuse or neglect as defined in RCW  
32 26.44.020 may be disclosed to a child-placing agency, private adoption  
33 agency, or any other provider licensed under this chapter;

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

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

- 1 (ii) Foster care and adoption placements; and  
2 (iii) Any adult living in a home where a child may be placed;  
3 (f) If any adult living in the home has not resided in the state of  
4 Washington for the preceding five years, the department shall review  
5 any child abuse and neglect registries maintained by any state where  
6 the adult has resided over the preceding five years;  
7 (g) The cost of fingerprint background check fees will be paid as  
8 required in RCW 43.43.837;  
9 (h) National and state background information must be used solely  
10 for the purpose of determining eligibility for a license and for  
11 determining the character, suitability, and competence of those persons  
12 or agencies, excluding parents, not required to be licensed who are  
13 authorized to care for children or expectant mothers;  
14 (i) The number of qualified persons required to render the type of  
15 care and treatment for which an agency seeks a license;  
16 (j) The safety, cleanliness, and general adequacy of the premises  
17 to provide for the comfort, care and well-being of children, expectant  
18 mothers or developmentally disabled persons;  
19 (k) The provision of necessary care, including food, clothing,  
20 supervision and discipline; physical, mental and social well-being; and  
21 educational, recreational and spiritual opportunities for those served;  
22 (l) The financial ability of an agency to comply with minimum  
23 requirements established pursuant to chapter 74.15 RCW and RCW  
24 74.13.031; and  
25 (m) The maintenance of records pertaining to the admission,  
26 progress, health and discharge of persons served;  
27 (3) To investigate any person, including relatives by blood or  
28 marriage except for parents, for character, suitability, and competence  
29 in the care and treatment of children, expectant mothers, and  
30 developmentally disabled persons prior to authorizing that person to  
31 care for children, expectant mothers, and developmentally disabled  
32 persons. However, if a child is placed with a relative under RCW  
33 13.34.065 or 13.34.130, and if such relative appears otherwise suitable  
34 and competent to provide care and treatment the criminal history  
35 background check required by this section need not be completed before  
36 placement, but shall be completed as soon as possible after placement;  
37 (4) On reports of alleged child abuse and neglect, to investigate  
38 agencies in accordance with chapter 26.44 RCW, including child day-care

1 centers and family day-care homes, to determine whether the alleged  
2 abuse or neglect has occurred, and whether child protective services or  
3 referral to a law enforcement agency is appropriate;

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

8 (6) To prescribe the procedures and the form and contents of  
9 reports necessary for the administration of chapter 74.15 RCW and RCW  
10 74.13.031 and to require regular reports from each licensee;

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

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

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

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

25 **Sec. 5.** RCW 43.06A.030 and 1996 c 131 s 4 are each amended to read  
26 as follows:

27 The ombudsman shall perform the following duties:

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

31 (2) Investigate, upon his or her own initiative or upon receipt of  
32 a complaint, an administrative act alleged to be contrary to law, rule,  
33 or policy, imposed without an adequate statement of reason, or based on  
34 irrelevant, immaterial, or erroneous grounds; however, the ombudsman  
35 may decline to investigate any complaint as provided by rules adopted  
36 under 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 1<sup>st</sup> 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 ombudsman unless prohibited by law; and

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

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