
SUBSTITUTE HOUSE BILL 1675

State of Washington

63rd Legislature

2013 Regular Session

By House Judiciary (originally sponsored by Representatives Roberts, Orwall, Goodman, Kirby, Jinkins, 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 report shall include a list of the sources of
20 information on which the report is based. The report shall include a
21 recommendation as to the fitness of the person requesting the report to
22 be an adoptive parent. The report shall also verify that the following
23 issues were discussed with the prospective adoptive parents:

24 (a) The concept of adoption as a lifelong developmental process and
25 commitment;

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

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

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

33 (e) The child's possible questions about birth parents and
34 relatives; and

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

37 (3) All preplacement reports shall include a background check of
38 any conviction records, pending charges, or disciplinary board final

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

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

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

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

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

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

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

23 (2) A fee may be charged for preparation of the post-placement
24 report in the same manner as for a preplacement report under RCW
25 26.33.190.

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

28 The secretary shall have the power and it shall be the secretary's
29 duty:

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

1 to be licensed hereunder, or because of any other factor relevant
2 thereto;

3 (2) 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 adopt and publish
6 minimum requirements for licensing applicable to each of the various
7 categories of agencies to be licensed.

8 The minimum requirements shall be limited to:

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

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

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

20 (d) Obtaining child protective services information or records
21 maintained in the department case management information system. No
22 unfounded allegation of child abuse or neglect as defined in RCW
23 26.44.020 may be disclosed to a child-placing agency, private adoption
24 agency, or any other provider licensed under this chapter;

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

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

30 (ii) Foster care and adoption placements; and

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

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

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

1 (h) National and state background information must be used solely
2 for the purpose of determining eligibility for a license and for
3 determining the character, suitability, and competence of those persons
4 or agencies, excluding parents, not required to be licensed who are
5 authorized to care for children or expectant mothers;

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

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

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

14 (l) The financial ability of an agency to comply with minimum
15 requirements established pursuant to chapter 74.15 RCW and RCW
16 74.13.031; and

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

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

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

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

1 (6) To prescribe the procedures and the form and contents of
2 reports necessary for the administration of chapter 74.15 RCW and RCW
3 74.13.031 and to require regular reports from each licensee;

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

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

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

14 (10) To establish procedures and requirements for identifying,
15 tracking, and reporting adoption disruption and dissolution, and the
16 factors leading thereto, including requiring regular reports from
17 child-placing agencies relating to children placed for adoption and
18 incorporating the data furnished by the department of health pursuant
19 to RCW 26.33.300.

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

22 The department of health shall be a depository for statistical data
23 concerning adoption. It shall furnish to the clerk of each county a
24 data card which shall be completed and filed with the clerk on behalf
25 of each petitioner. The data card must indicate if the child being
26 adopted has previously been adopted and this is a second or subsequent
27 adoption for the child. The clerk shall forward the completed cards to
28 the department of health which shall compile the data, share the data
29 with the department of social and health services, and publish reports
30 summarizing the data. A birth certificate shall not be issued showing
31 the petitioner as the parent of any child adopted in the state of
32 Washington until a data card has been completed and filed.

33 **Sec. 6.** RCW 43.06A.030 and 1996 c 131 s 4 are each amended to read
34 as follows:

35 The ombudsman shall perform the following duties:

- 1 (1) Provide information as appropriate on the rights and
2 responsibilities of individuals receiving family and children's
3 services, and on the procedures for providing these services;
- 4 (2) Investigate, upon his or her own initiative or upon receipt of
5 a complaint, an administrative act alleged to be contrary to law, rule,
6 or policy, imposed without an adequate statement of reason, or based on
7 irrelevant, immaterial, or erroneous grounds; however, the ombudsman
8 may decline to investigate any complaint as provided by rules adopted
9 under this chapter;
- 10 (3) Monitor the procedures as established, implemented, and
11 practiced by the department to carry out its responsibilities in
12 delivering family and children's services with a view toward
13 appropriate preservation of families and ensuring children's health and
14 safety;
- 15 (4) Review periodically the facilities and procedures of state
16 institutions serving children, and state-licensed facilities or
17 residences;
- 18 (5) Recommend changes in the procedures for addressing the needs of
19 families and children;
- 20 (6) Submit annually to the committee and to the governor by
21 November 1st a report analyzing the work of the office, including
22 recommendations and information regarding the progress made by the
23 department of social and health services in implementing
24 recommendations made in the report on severe abuse of adopted children;
- 25 (7) Grant the committee access to all relevant records in the
26 possession of the ombudsman unless prohibited by law; and
- 27 (8) Adopt rules necessary to implement this chapter.

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