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HOUSE BILL 1522

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State of Washington

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By Representatives Padden, Cooke, Goldsmith, Hickel, Lambert, Boldt, Sherstad, Thompson, Johnson, Fuhrman, Mulliken, McMahan, Koster, Hargrove, Pelesky, Sheahan, Backlund, McMorris, Huff, Talcott, Carrell, Casada, Honeyford, Clements, B. Thomas, Crouse, Campbell and D. Schmidt

Read first time 01/27/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to adoption; amending RCW 26.33.160; and adding new  
2 sections to chapter 26.33 RCW.

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

4 **Sec. 1.** RCW 26.33.160 and 1991 c 136 s 2 are each amended to read  
5 as follows:

6 (1) Except as otherwise provided in RCW 26.33.170, consent to an  
7 adoption shall be required of the following if applicable:

8 (a) The adoptee, if fourteen years of age or older;

9 (b) The parents and any alleged father of an adoptee under eighteen  
10 years of age;

11 (c) An agency or the department to whom the adoptee has been  
12 relinquished pursuant to RCW 26.33.080; and

13 (d) The legal guardian of the adoptee.

14 (2) Except as otherwise provided in subsection (4)(h) of this  
15 section, consent to adoption is revocable by the consenting party (~~at~~  
16 ~~any time before the consent is approved by the court~~) within one  
17 hundred ninety-two hours after the birth of the child. The revocation  
18 may be made in either of the following ways:

1 (a) Written revocation may be delivered or mailed to the clerk of  
2 the court before approval; or

3 (b) Written revocation may be delivered or mailed to the clerk of  
4 the court after approval, but only if it is delivered or mailed within  
5 forty-eight hours after a prior notice of revocation that was given  
6 within forty-eight hours after the birth of the child. The prior  
7 notice of revocation shall be given to the agency or person who sought  
8 the consent and may be either oral or written.

9 (3) Except as provided in subsections (2)(b) and (4)(h) of this  
10 section and in this subsection, a consent to adoption may not be  
11 revoked after it has been approved by the court. Within one year after  
12 approval, a consent may be revoked for fraud or duress practiced by the  
13 person, department, or agency requesting the consent, or for lack of  
14 mental competency on the part of the person giving the consent at the  
15 time the consent was given. A written consent to adoption may not be  
16 revoked more than one year after it is approved by the court.

17 (4) Except as provided in (h) of this subsection, the written  
18 consent to adoption shall be signed under penalty of perjury and shall  
19 state that:

20 (a) It is given subject to approval of the court;

21 (b) It has no force or effect until approved by the court;

22 (c) The birth parent is or is not of Native American or Alaska  
23 native ancestry;

24 (d) The consent will not be presented to the court until forty-  
25 eight hours after it is signed or forty-eight hours after the birth of  
26 the child, whichever occurs later;

27 (e) It is revocable by the consenting party at any time before its  
28 approval by the court. It may be revoked in either of the following  
29 ways:

30 (i) Written revocation may be delivered or mailed to the clerk of  
31 the court before approval of the consent by the court; or

32 (ii) Written revocation may be delivered or mailed to the clerk of  
33 the court after approval, but only if it is delivered or mailed within  
34 forty-eight hours after a prior notice of revocation that was given  
35 within forty-eight hours after the birth of the child. The prior  
36 notice of revocation shall be given to the agency or person who sought  
37 the consent and may be either oral or written;

38 (f) The address of the clerk of court where the consent will be  
39 presented is included;

1 (g) Except as provided in (h) of this subsection, after it has been  
2 approved by the court, the consent is not revocable except for fraud or  
3 duress practiced by the person, department, or agency requesting the  
4 consent or for lack of mental competency on the part of the person  
5 giving the consent at the time the consent was given. A written  
6 consent to adoption may not be revoked more than one year after it is  
7 approved by the court;

8 (h) In the case of a consent to an adoption of an Indian child, no  
9 consent shall be valid unless the consent is executed in writing more  
10 than ten days after the birth of the child and unless the consent is  
11 recorded before a court of competent jurisdiction pursuant to 25 U.S.C.  
12 Sec. 1913(a). Consent may be withdrawn for any reason at any time  
13 prior to the entry of the final decree of adoption. Consent may be  
14 withdrawn for fraud or duress within two years of the entry of the  
15 final decree of adoption. Revocation of the consent prior to a final  
16 decree of adoption, may be delivered or mailed to the clerk of the  
17 court or made orally to the court which shall certify such revocation.  
18 Revocation of the consent is effective if received by the clerk of the  
19 court prior to the entry of the final decree of adoption or made orally  
20 to the court at any time prior to the entry of the final decree of  
21 adoption. Upon withdrawal of consent, the court shall return the child  
22 to the parent unless the child has been taken into custody pursuant to  
23 RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW  
24 13.34.060, or placed in foster care pursuant to RCW 13.34.130; and

25 (i) The following statement has been read before signing the  
26 consent:

27 I understand that my decision to relinquish the child is an  
28 extremely important one, that the legal effect of this  
29 relinquishment will be to take from me all legal rights and  
30 obligations with respect to the child, and that an order  
31 permanently terminating all of my parental rights to the child  
32 will be entered. I also understand that there are social  
33 services and counseling services available in the community,  
34 and that there may be financial assistance available through  
35 state and local governmental agencies.

36 (5) A written consent to adoption which meets all the requirements  
37 of this chapter but which does not name or otherwise identify the  
38 adopting parent is valid if it contains a statement that it is

1 voluntarily executed without disclosure of the name or other  
2 identification of the adopting parent.

3 (6) There must be a witness to the consent of the parent or alleged  
4 father. The witness must be at least eighteen years of age and  
5 selected by the parent or alleged father. The consent document shall  
6 contain a statement identifying by name, address, and relationship the  
7 witness selected by the parent or alleged father.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.33 RCW  
9 to read as follows:

10 An adoption shall not be delayed or denied on the basis of the  
11 race, color, or national origin of the adoptive parent or the child  
12 involved. This provision shall not apply to or affect the application  
13 of the Indian Child Welfare Act of 1978, 25 U.S.C. Sec. 1901 et seq.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.33 RCW  
15 to read as follows:

16 (1) The department shall establish a putative father registry that  
17 shall record the names and addresses of:

18 (a) Any person adjudicated by a court of this state to be the  
19 father of a child born out of wedlock;

20 (b) Any person who has filed with the registry before or after the  
21 birth of a child out of wedlock, a notice of intent to claim paternity  
22 of the child;

23 (c) Any person adjudicated by a court of another state or territory  
24 of the United States to be the father of an out of wedlock child, where  
25 a certified copy of the court order has been filed with the registry by  
26 such person or any other person; and

27 (d) Any person who has filed with the registry an instrument  
28 acknowledging paternity.

29 (2) A person filing a notice of intent to claim paternity of a  
30 child or an acknowledgement of paternity shall include therein his  
31 current address and shall notify the registry of any change of address  
32 pursuant to procedures by rule of the department.

33 (3) A person who has filed a notice of intent to claim paternity  
34 may at any time revoke a notice of intent to claim paternity previously  
35 filed and, upon receipt of such notification by the registry, the  
36 revoked notice of intent to claim paternity shall be deemed null nunc  
37 pro tunc.

1       (4) An unrevoked notice of intent to claim paternity of a child may  
2 be introduced in evidence by any party, other than the person who filed  
3 such notice, in any proceeding in which the fact may be relevant.

4       (5) The department shall, upon request, provide the names and  
5 addresses of persons listed with the registry to any court or  
6 authorized agency, and the information shall not be divulged to any  
7 other person except upon order of a court for good cause shown.

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