

HOUSE BILL ANALYSIS

HB 1407

Title: An act relating to adoption.

Brief Description: Changing adoption provisions.

Sponsors: Representatives Lambert, Benson, Dickerson, Sheahan, Tokuda, Hurst, G. Chandler, Mulliken, Boldt, Koster, Schindler, Ogden, Dunn and Kessler.

Brief Summary of Bill

- Allows an adoption to take place without the consent of a parent if the parent has been convicted of raping the child or the child is the result of a rape of which the parent has been convicted.
- Provides that the Department of Social and Health Services must, absent good cause, follow the placement wishes of natural parents who voluntarily give up their parental rights.

HOUSE COMMITTEE ON JUDICIARY

Staff: Jim Morishima (786-7191).

Background:

In an adoption, the legal parent-child relationship is created between persons who are not biologically related. Any person can be adopted, although a child 14 years of age or older must consent to an adoption. Any person who is legally competent and 18 years of age or older can become an adoptive parent. In all adoption matters, the best interests of the child are paramount.

Before an adoption can take place, the biological parents must give up their parental rights to control and have custody of their child. This can be done voluntarily or involuntarily by court order. Also, the biological parents must give their free and knowing consent to the adoption. The biological parents can revoke their consent until the consent is approved by the court. The consent of either parent is not required if a court of competent jurisdiction has terminated the parent's parent-child relationship with the child.

If all the statutory provisions are met and the court has found that the placement is in the best interests of the child, the court must enter a decree of adoption. In the cases where the adopted child is a Native American, the adoptive parents must be within the

placement preferences of the federal law relating to the placement of Native American children before the court can issue a decree of adoption.

Summary of Bill:

The consent of a biological parent to a proposed adoption is not required if the parent was found guilty of raping the child, and the court finds that the proposed adoption is in the child's best interests. Also, the consent of a biological parent to a proposed adoption is not required if the child is the result of a rape of which the parent has been found guilty, and the court finds that the proposed adoption is in the child's best interests.

If the biological parents have voluntarily terminated their parental rights and have indicated their intention to make a voluntary adoption plan for the child, the Department of Social and Health Services (DSHS) must, absent good cause, follow the wishes of the biological parents as to the placement of the child. The DSHS does not have to follow the biological parents' wishes if the prospective adoptive parents do not meet state statutory adoption qualifications.

Fiscal Note: Not requested.

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