

# HOUSE BILL REPORT

## ESSB 6635

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### As Passed House - Amended:

March 1, 2006

**Title:** An act relating to adoption.

**Brief Description:** Changing provisions relating to adoption.

**Sponsors:** By Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen).

### Brief History:

#### Committee Activity:

Children & Family Services: 2/22/06, 2/23/06 [DPA].

#### Floor Activity:

Passed House - Amended: 3/1/06, 98-0.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Directs the Department of Social and Health Services (DSHS) to develop training on federal laws regarding multiethnic and interethnic adoptions.
- Requires the DSHS to review and report to the Legislature regarding adoption fees, barriers to adoption of children out of foster care, and accreditation standards for adoption agencies.
- Directs the Department of Health, in cooperation with the DSHS, to develop recommendations for collecting and reporting adoption data.
- Explicitly authorizes the Attorney General to bring a consumer protection action for unauthorized advertising related to adoption.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

**Staff:** Sydney Forrester (786-7120).

### Background:

State law allows for the facilitation of adoptions by licensed private agencies, the Department of Social and Health Services (DSHS), and independent agents approved by the court. All petitions for relinquishment and termination of parental rights and for the adoption of eligible children must be filed in superior court. The court then oversees the process of the adoption by reviewing the pre- and post-placement reports and holding a hearing on the petition for adoption. If the court determines, based on its review of the petition, the report, and other evidence presented at the hearing, that the adoption is in the best interests of the child, an adoption decree is entered. If the court determines the adoption is not in the child's best interests, the court enters orders for the care and custody of the child.

#### Adoption Fees

Fees may be charged for a variety of expenses incurred in the adoption process, including the preparation of legal documents, legal representation, court costs, pre- and post-placement home studies, birth mother medical expenses, and work done by licensed adoption agencies. Fees related to adoption services vary for a number of reasons.

There is no statutory fee schedule, however fees for reports must be reasonable and must be disclosed upon request.

#### Consideration of Race, National Origin, and Ethnicity

Federal and state laws provide that an adoption may not be delayed or denied based upon the race, color, or national origin of the adoptive parent or the child involved. Further, an agency may not routinely consider race, national origin, or ethnicity in making placement decisions. Any consideration of race or ethnicity must be done on an individualized basis where special circumstances warrant their consideration. State law permits DSHS to consider the cultural, ethnic, or racial background of the child and the capacity of prospective adoptive parents to meet the needs of a child of this background when determining the child's best interests.

#### Legislative Study Panel on Adoption

In 2004, the Legislature adopted House Concurrent Resolution 4418 creating a legislative panel to study a variety of adoption-related issues. Recommendations from the study panel were presented to the Legislature in January 2005.

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#### **Summary of Amended Bill:**

The DSHS is directed to provide training regarding federal laws related to multiethnic and interethnic adoption to employees involved in making adoption placements. Training is to be open to other agencies involved in adoptions. The DSHS will, in collaboration with stakeholders, review and study adoption fees and possible barriers to the adoption of children out of foster care, and accreditation standards for adoption agencies. A report with recommendations to the Legislature regarding reducing barriers to adoption and accreditation standards is due January 1, 2007.

The Department of Health (DOH), in cooperation with the DSHS, is directed to develop recommendations and report to the Legislature by October 1, 2006, regarding an efficient

process for the collection, compilation, and publication of adoption statistical data, including data regarding fees, costs, and expenses paid by adoptive parents.

The Attorney General is explicitly authorized to bring a suit under the state's Consumer Protection Act for advertising by unlicensed or unauthorized entities regarding adoption or placement of a child. Television, radio, print, and other advertising media who accept advertising in good faith without knowledge of its violation after an attempt to verify the advertising is in compliance are exempted.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (In support of engrossed substitute) This bill is based on recommendations from the adoption study panel. The intent of the bill is to reduce barriers to adoption of children out of foster care. The adoption process should be seamless and should encourage adoption so that foster children grow up and thrive and do not end up aging out of foster care and becoming homeless. A person does not need to be wealthy to provide a loving, stable home for a child. Adoption is about more than just getting a child. Adoption fees can be as high as \$20,000. Adoptions shouldn't be so expensive that they require the family to mortgage their future. Mothers who consider giving up a child for adoption have concerns about fees, because they want the family to be able to provide for the child and not be burdened by a significant debt due to the adoption costs. Not many people know about the options available to parents to adopt children through less expensive means. It is an emotional issue. Fees are an issue, but so is race. It is not right to place a child with a family based just on race.

**Testimony Against:** (Opposed to engrossed substitute) The Department of Social and Health Services (DSHS) supports the intent of the bill, but the language of this bill limits consideration of culture, race, and ethnicity too severely. The DSHS prefers the language in the current statute which allows us to consider the child's needs from a holistic perspective. The DSHS currently offers training and opens the training to private agencies. The DSHS doesn't charge adoption fees. The adoptive family may have legal fees, but these may also be reimbursed through the adoption support program. The state pays the adoption costs for children in state care.

The state does an exemplary job of offering adoption without costs. There is also a federal tax credit for adoption costs. Costs are not a barrier to the adoption of children in state care. The problem is that there are not enough families to adopt the children in state care. Sometimes for-profits charge more than non-profits. You need to look at what the costs are covering. Some of the high costs may be covering the medical bills for the birth of the child if the child is a newborn.

**Persons Testifying:** (In support) Andrew Schneider; Melissa Matheny; Josephine Wentzel; Nora Patterson; Jeff Claudon; Brian Robinson; and Tammie Snyder, Antioch Adoptions.

(Opposed) Cheryl Stephani and Pam Kramer, Department of Social and Health Services; DSHS; Mark Demaray, Washington State Adoption Council; Janet Hedgepath, Amara Parenting and Adoption; and Laurie Lippold, Children's Home Society;

**Persons Signed In To Testify But Not Testifying:** None.