

FINAL BILL REPORT

ESSB 6635

C 248 L 06
Synopsis as Enacted

Brief Description: Changing provisions relating to adoption.

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

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

House Committee on Children & Family Services

Background: Adoptions in the state occur through licensed private agencies, the Division of Children and Family Services of the Department of Social and Health Services (DSHS), and independent agents. Requirements, processes, and services offered vary with each of these three methods of adoption. Additionally, the fees related to adoption of a child through these three methods can vary greatly and can exceed the financial reach of families whose resources are limited.

Concerns were raised in the 2004 legislative session that families willing to adopt have been discouraged or prevented from doing so because of the prohibitive fees. As a result, the Legislature passed House Concurrent Resolution 4418, creating a legislative panel to study a variety of adoption-related issues. Recommendations from the study panel were given to the Legislature in January 2005. To date, the study panel's report has not resulted in further legislation on this issue.

Adoption fees can be charged for a variety of expenses in the adoption process. Authorized fees include such items as the preparation of legal documents, legal representation, court costs, home studies, birth parent medical expenses, and agency fees. Actual fees may range from zero (0) to thirty thousand dollars (\$30,000).

Federal law provides 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.

Current state law states that an adoption may not be delayed or denied on the basis of the race, color, or national origin of the adoptive parent or the child. However, in considering the best interests of the child, the department may 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.

Summary: DSHS is required to create standardized training on federal civil rights laws on the placement of children for all DSHS or agency employees involved in the placement of

children. DSHS must also consult with adoption related entities to review adoption fees as barriers to adoption and study accreditation standards for adoption agencies.

The Department of Health must work with DSHS to recommend a process for the collection of adoption statistical data. Recommendations must be submitted to the Legislature by October 1, 2006.

Language is added to clarify that the Attorney General may bring an action for an unlawful trade practice against any person advertising adoption services in the state without a license. An advertising entity that attempts to verify that a person or entity providing adoption services has complied with the law does not commit an unlawful trade practice for accepting adoption advertising in good faith.

Votes on Final Passage:

Senate	44	4	
House	98	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 7, 2006