
**Early Learning & Children's Services
Committee**

HB 1938

Brief Description: Considering postadoption contact between siblings in adoption proceedings.

Sponsors: Representatives Roberts, Kagi, Angel, Walsh, Dunshee, Pettigrew, Green, Goodman, Haler and Kenney.

Brief Summary of Bill

- Directs the court reviewing and approving an adoption agreement to encourage consideration of providing for postadoption contact between siblings who will be separated by the adoption.
- Requires the court to inquire of attorneys and guardians ad litem representing children in adoption and other custody matters about the potential benefit of continuing contact between siblings and the potential detriment of severing contact.
- Requires the pre-adoption home study report to verify that discussions with adoptive parents included the relevance of sibling relationships and the potential benefit of providing for continuing contact between sibling being separated by adoption.

Hearing Date: 2/13/09

Staff: Sydney Forrester (786-7120)

Background:

Foster Care.

The statutory presumption for children in foster care is that placement with siblings or continuing contact and visits between siblings are in their best interests. While the dependency court is required to consider sibling placements, visits, and contact while the siblings are in foster care, there is no directive relating to consideration of continued sibling contact when the permanency plan will result in siblings being separated by an adoption.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Adoption.

Washington's adoption statute requires a pre-adoption home study report be submitted to the court. The report must include verification that discussions with prospective adoptive parents includes topics relating to:

- the concept that adoption is a lifelong developmental process;
- the potential for the child to experience identity confusion and feelings of loss regarding separation from birth parents;
- the potential for the child to have questions about birth parents and relatives; and
- the relevance of the child's racial, ethnic, and cultural heritage.

Open adoption agreements must be reviewed and approved by the court, but the statute discussing post-adoption contact between a child adoptee and his or her family includes no references to siblings of the child being adopted or the potential benefit of providing for a continuation of the the child's relationship with her siblings through an adoption agreement or informal agreement.

Summary of Bill:

The relevance of the child's relationship with siblings and the potential benefit of facilitating post-adoption continued contact is included in the list of issues that must be discussed with adoptive parents. The family law court reviewing and approving an adoption agreement must encourage the consideration of the adoptive child's relationship with siblings. If children being adopted or their siblings are represented by a guardian ad litem (GAL) or an attorney in an adoption proceeding or any other custody matter, the court must inquire of the attorney and GAL regarding the potential benefit of continued contact between the siblings and the potential detriment of severing contact. The court must consider the best interests of the child being adopted and his or her siblings when entering an adoption order.

Appropriation: None.

Fiscal Note: Requested on February 5, 2009.

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