

SENATE BILL REPORT

2ESHB 1675

As Reported by Senate Committee On:
Human Services & Corrections, February 27, 2014

Title: An act relating to improving the adoption process.

Brief Description: Improving the adoption process.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Roberts, Orwall, Goodman, Kirby, Jinkins, Pedersen, Farrell, Kagi, Freeman and Ryu).

Brief History: Passed House: 3/06/13, 90-7; 2/11/14, 98-0.

Committee Activity: Human Services & Corrections: 2/25/14, 2/27/14 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Staff: Shani Bauer (786-7468)

Background: In response to issues identified by the Office of the Family and Children's Ombudsman (OFCO) concerning cases of severe child abuse and neglect of adopted children, the Governor requested that the Department of Social and Health Services' (DSHS') Children's Administration (CA) and OFCO convene a workgroup to examine these issues and make recommendations to improve the adoption process and protect children. Committee members, in addition to representatives from DSHS and OFCO, included a superior court judge, assistant attorneys general, a foster or adoptive parent, physicians from the University of Washington and Harborview Medical Center, and representatives from adoption agencies, a public defense firm, the Governor's Office, the Children's Home Society, and Casey Family Programs.

The workgroup issued a report in September 2012 entitled "Severe Abuse of Adopted Children Committee Report." The cases studied and recommendations encompass all types of adoptions, including private adoptions, international adoptions, and adoptions facilitated through DSHS. Recommendations for improvement to the adoption process include the following:

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.

- requiring individuals conducting adoption home studies to have adequate education, training, or licensing requirements;
- requiring adoption home studies and post-placement reports to include full information, objectivity, and a critical assessment of the adoptive family;
- requiring prospective adoptive parents to have adequate education, training, and preparation to adopt a child;
- strengthening regulations governing licensed adoption agencies to increase the state's ability to monitor the performance of child-placing agencies; and
- improving supports and services that will strengthen adoptive families.

Many of the report recommendations, such as those prescribing requirements for a child-placing agency and the adoption process can be addressed through DSHS rulemaking authority. Other recommendations will require amending state law.

In order to adopt a child, a prospective adoptive parent must obtain a pre-placement report. The pre-placement report is a written document prepared by a qualified person that sets forth relevant information relating to the fitness of the person to be an adoptive parent. The report is based on a study that includes an investigation of the home environment, family life, health, facilities, and resources of the proposed adoptive parent. The report must also include a background check of any criminal history or child abuse or neglect history of the proposed adoptive parent. A completed pre-placement report is filed in the county where the proposed adoptive parent designates the report should be filed. A person may request that a report not be completed.

Once a petition for adoption is filed, the court must order a post-placement report to determine the nature and adequacy of the placement and to determine if the placement is in the best interest of the child. The report is prepared by a qualified individual and must contain all reasonably available information concerning the physical and mental condition of the child, home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of adoption.

Summary of Bill: A qualified person who completes pre or post-placement adoption reports, must receive at least 30 hours of continuing education every two years on issues relating to adoption, including pertinent laws and regulations; ethical considerations; cultural diversity; factors that lead to the need for adoption; feelings of separation; grief, and loss experienced by children; attachment and posttraumatic stress disorder; and psychological issues faced by children.

A pre-placement report and post-placement report must include information as to extended family and community connections that serve as support to the adoptive parents and the adoptive parents' planned approach to child discipline and punishment. The fitness of a parent may not be based on the person's sincerely held religious or philosophical beliefs and practices regarding child discipline and punishment that do not otherwise constitute a violation of state law. All pre-placement reports must include a background check that includes any prior pre-placement reports, whether complete or incomplete. A person may request that a pre-placement report not be completed, but the incomplete report must be filed by the preparer. After January 1, 2015, a pre-placement report must verify that the

prospective adoptive parents were provided with a copy of Washington State child abuse statutes and rules and a list of information and resource materials.

The statistical data card filed with the Department of Health (DOH) when a child is adopted must indicate if the child being adopted has previously been adopted and if this is a second or subsequent adoption for the child. Data compiled by DOH must be shared with DSHS.

In submitting its annual report to the Governor, OFCO must include information regarding the progress made by DSHS in implementing recommendations made in the report on the Severe Abuse of Adopted Children. Beginning in 2014 and in even-numbered years thereafter, OFCO must convene a workgroup to compile a list of informational and resource materials to be provided to adoptive parents. By December 21, 2014 the initial list must be posted on OFCO's website and disseminated to relevant agencies.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The state has a fundamental obligation to protect adopted children. Another source of motivation for this legislation comes from the court case in Skagit County prosecuting the adoptive parents of Hannah Williams who was killed as a result of maltreatment. This bill ensures the education of the person completing the home study and gives them more resources in advising parents of the challenges that they face. If we do a better job of making information available to adoptive parents, they will be better off. Adopting children out of the child welfare system is not easy and parents need resources when they face these challenges. The vast majority of adoptions are successful; however, there have been three different reports identifying severe abuse and neglect in adoptive families in the past few years. These reports identify a need to address adoption standards. This bill focuses on improving the home-study process, strengthening training, and providing resources for adoptive families. The bill also assists in tracking adoptive outcomes. It is difficult to find overarching policies that will apply to all the different types of adoptions. This bill does a good job of addressing policies that will impact across the board.

CON: DSHS is not opposed to this bill, but does not agree with the portion that talks about the fitness of a parent not being based on the parents' philosophical or religious beliefs as it relates to child discipline. Currently foster parents are not allowed to use any form of corporal punishment because many parents have been physically abused. An appropriate line of inquiry is what form of punishment or discipline the family uses. This bill would limit that ability. We would therefore ask for an amendment excepting foster care adoptions from that language.

Persons Testifying: PRO: Representative Roberts, prime sponsor; Laurie Lippold, Partners for Our Children; Mulumebet Retta, David Guterson, Ethiopian Community In Seattle.

CON: Jennifer Strus, DSHS CA.

OTHER: Patrick Dowd, WA State OFCO.