**5548-S AMS PADD S3930.1 - NOT FOR FLOOR USE**

**SSB 5548** - S AMD **966**

By Senator Padden

**NOT ADOPTED 01/26/2022**

On page 2, line 27, after "amended." insert "This chapter only applies to adoption or placement for adoption of a child who resides in a foreign country at the time of adoption or placement."

On page 2, beginning on line 30, after "section" strike ", sections 202 and 203 of this act, and RCW 26.33.400 (as recodified by this act)" and insert "and sections 202 through 204 of this act"

Beginning on page 4, line 27, strike all of section 204 and insert the following:

"NEW SECTION. **Sec.**  ADVERTISEMENTS FOR ADOPTION OR OTHER CUSTODY TRANSFER. (1) For the purposes of this section and unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption or other custody transfer, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption or other custody transfer unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption or other custody transfer of children.

(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section."

On page 6, beginning on line 8, after "through" strike "203 of this act and RCW 26.33.400 (as recodified by this act)" and insert "204 of this act"

On page 6, beginning on line 20, strike all of sections 306 and 307 and insert the following:

**"Sec.**  RCW 26.33.400 and 2006 c 248 s 4 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption or other custody transfer, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption or other custody transfer unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption or other custody transfer of children.

(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section."

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**NOT ADOPTED 01/26/2022**

On page 1, line 3 of the title, strike "recodifying RCW 26.33.400; repealing RCW 26.33.370;"

EFFECT: Applies the uniform act only to adoptions or placement for adoptions of children who reside in foreign countries at the time of adoption or placement. Retains existing laws regarding domestic unregulated child custody transfers. Prohibits unauthorized solicitation and advertising for the purpose of adopting or transferring or finding a child to adopt or transfer.