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**SUBSTITUTE HOUSE BILL 1452**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Human Services (originally sponsored by Representatives Riley, Heavey, Brown, Flemming, Karahalios, Cooke, Wineberry, Valle, Romero, Leonard, G. Cole, Mielke, Anderson and Ballard)

Read first time 03/03/93.

1 AN ACT Relating to adoption; and amending RCW 26.33.020, 26.33.340,  
2 26.33.345, and 26.33.380.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.33.020 and 1990 c 146 s 1 are each amended to read  
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Alleged father" means a person whose parent-child relationship  
9 has not been terminated, who is not a presumed father under chapter  
10 26.26 RCW, and who alleges himself or whom a party alleges to be the  
11 father of the child. It includes a person whose marriage to the mother  
12 was terminated more than three hundred days before the birth of the  
13 child or who was separated from the mother more than three hundred days  
14 before the birth of the child.

15 (2) "Child" means a person under eighteen years of age.

16 (3) "Adoptee" means a person who is to be adopted or who has been  
17 adopted.

18 (4) "Adoptive parent" means the person or persons who seek to adopt  
19 or have adopted an adoptee.

1 (5) "Court" means the superior court.

2 (6) "Department" means the department of social and health  
3 services.

4 (7) "Agency" means any public or private association, corporation,  
5 or individual licensed or certified by the department as a child  
6 placing agency under chapter 74.15 RCW or as an adoption agency.

7 (8) "Parent" means the natural or adoptive mother or father of a  
8 child, including a presumed father under chapter 26.26 RCW. It does  
9 not include any person whose parent-child relationship has been  
10 terminated by a court of competent jurisdiction.

11 (9) "Legal guardian" means the department, an agency, or a person,  
12 other than a parent or stepparent, appointed by the court to promote  
13 the child's general welfare, with the authority and duty to make  
14 decisions affecting the child's development.

15 (10) "Guardian ad litem" means a person, not related to a party to  
16 the action, appointed by the court to represent the best interests of  
17 a party who is under a legal disability.

18 (11) "Relinquish or relinquishment" means the voluntary surrender  
19 of custody of a child to the department, an agency, or prospective  
20 adoptive parents.

21 (12) "Individual approved by the court" or "qualified salaried  
22 court employee" means a person who has a master's degree in social work  
23 or a related field and one year of experience in social work, or a  
24 bachelor's degree and two years of experience in social work, and  
25 includes a person not having such qualifications only if the court  
26 makes specific findings of fact that are entered of record establishing  
27 that the person has reasonably equivalent experience.

28 (13) "Birth parent" means the biological mother or biological or  
29 alleged father of a child, including a presumed father under chapter  
30 26.26 RCW, whether or not any such person's parent-child relationship  
31 has been terminated by a court of competent jurisdiction. "Birth  
32 parent" does not include a biological mother or biological or alleged  
33 father, including a presumed father under chapter 26.26 RCW, if the  
34 parent-child relationship was terminated because of an act for which  
35 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

36 (14) "Nonidentifying information" includes, but is not limited to,  
37 the following information about the birth parents, adoptive parents,  
38 and adoptee:

39 (a) Age in years at the time of adoption;

- 1        (b) Heritage, including nationality, ethnic background, and race;  
2        (c) Education, including number of years of school completed at the  
3 time of adoption, but not name or location of school;  
4        (d) General physical appearance, including height, weight, color of  
5 hair, eyes, and skin, or other information of a similar nature;  
6        (e) Religion;  
7        (f) Occupation, but not specific titles or places of employment;  
8        (g) Talents, hobbies, and special interests;  
9        (h) Circumstances leading to the adoption;  
10       (i) Medical and genetic history of birth parents;  
11       (j) First names;  
12       (k) Other children of birth parents by age, sex, and medical  
13 history;  
14       (l) Extended family of birth parents by age, sex, and medical  
15 history;  
16       (m) The fact of the death, and age and cause, if known;  
17       (n) Photographs;  
18       (o) Name of agency or individual that facilitated the adoption.

19        **Sec. 2.** RCW 26.33.340 and 1990 c 145 s 4 are each amended to read  
20 as follows:

21        Department ~~((and))~~, agency, and court files regarding an adoption  
22 shall be confidential except ~~((the department or agency may disclose))~~  
23 that reasonably available nonidentifying information may be disclosed  
24 upon the ~~((receipt of a verified))~~ written request for the information  
25 from the adoptive parent, the adoptee, or the ~~((natural))~~ birth parent.  
26 If the adoption facilitator refuses to disclose nonidentifying  
27 information, the individual may petition the superior court.  
28 Identifying information may also be disclosed through the procedure  
29 described in RCW 26.33.343.

30        **Sec. 3.** RCW 26.33.345 and 1990 c 145 s 2 are each amended to read  
31 as follows:

32        (1) The department of social and health services, adoption  
33 agencies, and independent adoption facilitators shall release the name  
34 and location of the court where a relinquishment of parental rights or  
35 finalization of an adoption took place to an adult adoptee, a birth  
36 parent of an adult adoptee, an adoptive parent, a birth or adoptive

1 grandparent of an adult adoptee, or an adult sibling of an adult  
2 adoptee, or the legal guardian of any of these.

3 (2) The department of (~~vital records~~) health shall make available  
4 a noncertified copy of the original birth certificate of a child to the  
5 child's birth parents upon request.

6 (3) For adoptions finalized after October 1, 1993, the department  
7 of health shall make available a noncertified copy of the original  
8 birth certificate to the adoptee after the adoptee's eighteenth  
9 birthday unless the birth parent has filed an affidavit of  
10 nondisclosure.

11 **Sec. 4.** RCW 26.33.380 and 1989 c 281 s 2 are each amended to read  
12 as follows:

13 Every person, firm, society, association, or corporation receiving,  
14 securing a home for, or otherwise caring for a minor child shall  
15 transmit to the prospective adopting parent prior to placement and  
16 shall make available to all persons with whom a child has been placed  
17 by adoption, a family background and child and family social history  
18 report, which includes a chronological history of the circumstances  
19 surrounding the adoptive placement and any available psychiatric  
20 reports, psychological reports, court reports pertaining to dependency  
21 or custody, or school reports. Such reports or information shall not  
22 reveal the identity of the (~~natural~~) birth parents of the child but  
23 shall contain reasonably available nonidentifying information.

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