

2 EHB 1173 - CONF REPT  
3 By Conference Committee

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that it is in the  
8 best interest of the people of the state of Washington to support the  
9 adoption process in a variety of ways, including easing administrative  
10 burdens on adoptive parents receiving financial support, providing  
11 finality for adoptive placements and stable homes for children, and not  
12 delaying adoptions.

13 **Sec. 2.** RCW 74.13.118 and 1985 c 7 s 138 are each amended to read  
14 as follows:

15 At least ~~((annually))~~ once every five years, the secretary shall  
16 review the need of any adoptive parent or parents receiving continuing  
17 support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145, or  
18 the need of any parent who is to receive more than one lump sum payment  
19 where such payments are to be spaced more than one year apart. ~~((Such  
20 review shall be made not later than the anniversary date of the  
21 adoption support agreement.))~~

22 At the time of such ~~((annual))~~ review and at other times ~~((during  
23 the year))~~ when changed conditions, including variations in medical  
24 opinions, prognosis and costs, are deemed by the secretary to warrant  
25 such action, appropriate adjustments in payments shall be made based  
26 upon changes in the needs of the child, in the adoptive parents'  
27 income, resources, and expenses for the care of such child or other  
28 members of the family, including medical and/or hospitalization expense  
29 not otherwise covered by or subject to reimbursement from insurance or  
30 other sources of financial assistance.

31 Any parent who is a party to such an agreement may at any time in  
32 writing request, for reasons set forth in such request, a review of the  
33 amount of any payment or the level of continuing payments. Such review  
34 shall be begun not later than thirty days from the receipt of such  
35 request. Any adjustment may be made retroactive to the date such

1 request was received by the secretary. If such request is not acted on  
2 within thirty days after it has been received by the secretary, such  
3 parent may invoke his rights under the hearing provisions set forth in  
4 RCW 74.13.127.

5 **Sec. 3.** RCW 74.13.121 and 1985 c 7 s 139 are each amended to read  
6 as follows:

7 So long as any adoptive parent is receiving support pursuant to RCW  
8 26.33.320 and 74.13.100 through 74.13.145 he or she shall, (~~not later~~  
9 ~~than two weeks after it is filed with the United States government~~)  
10 upon request, file with the secretary a copy of his or her federal  
11 income tax return. Such return and any information thereon shall be  
12 marked by the secretary "confidential", shall be used by the secretary  
13 solely for the purposes of RCW 26.33.320 and 74.13.100 through  
14 74.13.145, and shall not be revealed to any other person, institution  
15 or agency, public or private, including agencies of the United States  
16 government, other than a superior court, judge or commissioner before  
17 whom a petition for adoption of a child being supported or to be  
18 supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is  
19 then pending.

20 In carrying on the review process authorized by RCW 26.33.320 and  
21 74.13.100 through 74.13.145 the secretary may require the adoptive  
22 parent or parents to disclose such additional financial information,  
23 not privileged, as may enable him or her to make determinations and  
24 adjustments in support to the end that the purposes and policies of  
25 this state expressed in RCW 74.13.100 may be carried out, provided that  
26 no adoptive parent or parents shall be obliged, by virtue of this  
27 section, to sign any agreement or other writing waiving any  
28 constitutional right or privilege nor to admit to his or her home any  
29 agent, employee, or official of any department of this state, or of the  
30 United States government.

31 Such information shall be marked "confidential" by the secretary,  
32 shall be used by him or her solely for the purposes of RCW 26.33.320  
33 and 74.13.100 through 74.13.145, and shall not be revealed to any other  
34 person, institution, or agency, public or private, including agencies  
35 of the United States government other than a superior court judge or  
36 commission before whom a petition for adoption of a child being  
37 supported or to be supported pursuant to RCW 26.33.320 and 74.13.100  
38 through 74.13.145 is then pending.

1        NEW SECTION.     **Sec. 4.**     The legislature recognizes that some  
2 prospective adoptive parents may not have finalized the adoption of a  
3 foster child in their care because the adoption support program as it  
4 is presently structured may offer special children with complex needs  
5 fewer necessary services than the foster care program provides them  
6 through exceptional cost plans. Enhancement of the adoption support  
7 program could increase the likelihood that such special needs children  
8 could be adopted.

9        The department of social and health services is directed to conduct  
10 a study to determine the costs, program impact, and appropriateness of  
11 extending exceptional cost rate foster care plans for special needs  
12 children to the adoption support program. The department of social and  
13 health services shall complete the study and report its findings to the  
14 legislature no later than September 1, 1995.

15        **Sec. 5.**     RCW 26.33.110 and 1987 c 170 s 5 are each amended to read  
16 as follows:

17        (1) The court shall set a time and place for a hearing on the  
18 petition for termination of the parent-child relationship, which shall  
19 not be held sooner than forty-eight hours after the child's birth.  
20 However, if the child is an Indian child, the hearing shall not be held  
21 sooner than ten days after the child's birth and the time of the  
22 hearing shall be extended up to twenty additional days from the date of  
23 the scheduled hearing upon the motion of the parent, Indian custodian,  
24 or the child's tribe.

25        (2) Notice of the hearing shall be served on the petitioner, the  
26 nonconsenting parent or alleged father, the legal guardian of a party,  
27 and the guardian ad litem of a party, in the manner prescribed by RCW  
28 26.33.310. If the child is an Indian child, notice of the hearing  
29 shall also be served on the child's tribe in the manner prescribed by  
30 25 U.S.C. Sec. 1912(a).

31        (3) Except as otherwise provided in this section, the notice of the  
32 petition shall:

33        (a) State the date and place of birth. If the petition is filed  
34 prior to birth, the notice shall state the approximate date and  
35 location of conception of the child and the expected date of birth, and  
36 shall identify the mother;

37        (b) Inform the nonconsenting parent or alleged father that: (i) He  
38 or she has a right to be represented by counsel and that counsel will

1 be appointed for an indigent person who requests counsel; and (ii)  
2 failure to respond to the termination action within twenty days of  
3 service if served within the state or thirty days if served outside of  
4 this state, will result in the termination of his or her parent-child  
5 relationship with respect to the child;

6 (c) Inform an alleged father that failure to file a claim of  
7 paternity under chapter 26.26 RCW or to respond to the petition, within  
8 twenty days of the date of service of the petition is grounds to  
9 terminate his parent-child relationship with respect to the child;

10 (d) Inform an alleged father of an Indian child that if he  
11 acknowledges paternity of the child or if his paternity of the child is  
12 established prior to the termination of the parent-child relationship,  
13 that his parental rights may not be terminated unless he: (i) Gives  
14 valid consent to termination, or (ii) his parent-child relationship is  
15 terminated involuntarily pursuant to chapter 26.33 or 13.34 RCW.

16 **Sec. 6.** RCW 26.33.310 and 1987 c 170 s 9 are each amended to read  
17 as follows:

18 (1) Petitions governed by this chapter shall be served in the  
19 ((same)) manner as ((a complaint in a civil action under)) set forth in  
20 the superior court civil rules. Subsequent notice, papers, and  
21 pleadings may be served in the manner provided in superior court civil  
22 rules.

23 (2) If personal service on any parent or alleged father who has not  
24 consented to the termination of his or her parental rights can be  
25 given, the summons and notice of hearing on the petition to terminate  
26 parental rights shall be served at least twenty days before the hearing  
27 date if served within the state or thirty days if served outside of  
28 this state.

29 (3) If personal service on the parent or any alleged father, either  
30 within or without this state, cannot be given, notice shall be given:  
31 (a) By first class and registered mail, mailed at least ((twenty))  
32 thirty days before the hearing to the person's last known address; and  
33 (b) by publication at least once a week for three consecutive weeks  
34 with the first publication date at least ((twenty-five)) thirty days  
35 before the hearing. Publication shall be in a legal newspaper in the  
36 city or town of the last known address within the United States and its  
37 territories of the parent or alleged father, whether within or without  
38 this state, or, if no address is known to the petitioner, publication

1 shall be in the city or town of the last known whereabouts within the  
2 United States and its territories; or if no address or whereabouts are  
3 known to the petitioner or the last known address is not within the  
4 United States and its territories, in the city or town where the  
5 proceeding has been commenced.

6 (3) Notice and appearance may be waived by the department, an  
7 agency, a parent, or an alleged father before the court or in a writing  
8 signed under penalty of perjury. The waiver shall contain the current  
9 address of the department, agency, parent, or alleged father. The face  
10 of the waiver for a hearing on termination of the parent-child  
11 relationship shall contain language explaining the meaning and  
12 consequences of the waiver and the meaning and consequences of  
13 termination of the parent-child relationship. A person or agency who  
14 has executed a waiver shall not be required to appear except in the  
15 case of an Indian child where consent to termination or adoption must  
16 be certified before a court of competent jurisdiction pursuant to 25  
17 U.S.C. Sec. 1913(a).

18 (4) If a person entitled to notice is known to the petitioner to be  
19 unable to read or understand English, all notices, if practicable,  
20 shall be given in that person's native language or through an  
21 interpreter.

22 (5) Where notice to an Indian tribe is to be provided pursuant to  
23 this chapter and the department is not a party to the proceeding,  
24 notice shall be given to the tribe at least ten business days prior to  
25 the hearing by registered mail return receipt requested.

26 **Sec. 7.** RCW 26.33.260 and 1984 c 155 s 26 are each amended to read  
27 as follows:

28 (1) The entry of a decree of adoption divests any parent or alleged  
29 father who is not married to the adoptive parent or who has not joined  
30 in the petition for adoption of all legal rights and obligations in  
31 respect to the adoptee, except past-due child support obligations. The  
32 adoptee shall be free from all legal obligations of obedience and  
33 maintenance in respect to the parent. The adoptee shall be, to all  
34 intents and purposes, and for all legal incidents, the child, legal  
35 heir, and lawful issue of the adoptive parent, entitled to all rights  
36 and privileges, including the right of inheritance and the right to  
37 take under testamentary disposition, and subject to all the obligations  
38 of a natural child of the adoptive parent.

1       (2) Any appeal of an adoption decree shall be decided on an  
2 accelerated review basis.

3       (3) Except as otherwise provided in RCW 26.33.160(3) and (4)(h), no  
4 person may challenge an adoption decree on the grounds of:

5       (a) A person claiming or alleging paternity subsequently appears  
6 and alleges lack of prior notice of the proceeding; or

7       (b) The adoption proceedings were in any other manner defective.

8       (4) It is the intent of the legislature that this section provide  
9 finality for adoptive placements and stable homes for children.

10       NEW SECTION. Sec. 8. A new section is added to chapter 26.33 RCW  
11 to read as follows:

12       An adoption shall not be delayed or denied on the basis of the  
13 race, color, or national origin of the adoptive parent or the child  
14 involved. However, when the department or an agency considers whether  
15 a placement option is in a child's best interests, the department or  
16 agency may consider the cultural, ethnic, or racial background of the  
17 child and the capacity of prospective adoptive parents to meet the  
18 needs of a child of this background. This provision shall not apply to  
19 or affect the application of the Indian Child Welfare Act of 1978, 25  
20 U.S.C. Sec. 1901 et seq."

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24       On page 1, line 1 of the title, after "support;" strike the  
25 remainder of the title and insert "amending RCW 74.13.118, 74.13.121,  
26 26.33.110, 26.33.310, and 26.33.260; adding a new section to chapter  
27 26.33 RCW; and creating new sections."

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