

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6635

Chapter 248, Laws of 2006

59th Legislature
2006 Regular Session

ADOPTION

EFFECTIVE DATE: 6/7/06

Passed by the Senate March 7, 2006
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 1, 2006
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6635** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 27, 2006.

FILED

March 27, 2006 - 3:16 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6635

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to adoption; amending RCW 26.33.045 and 26.33.400;
2 creating new sections; and repealing RCW 26.33.410.

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

4 **Sec. 1.** RCW 26.33.045 and 1995 c 270 s 8 are each amended to read
5 as follows:

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

15 (2) The department shall create standardized training to be
16 provided to all department employees involved in the placement of a
17 child to assure compliance with Title IV of the civil rights act of
18 1964 and the multiethnic placement act of 1994, as amended by the

1 interethnic adoption provisions of the small business job protection
2 act of 1996. Such training shall be open to agency employees.

3 NEW SECTION. **Sec. 2.** The department of health, in cooperation
4 with the department of social and health services, shall recommend a
5 process for the efficient collection, compilation, and annual
6 publication of adoption statistical data, including data regarding
7 fees, costs, and expenses paid by adoptive families. In developing
8 recommendations, the department of health and the department of social
9 and health services shall consider current processes and requirements
10 for adoption data collection and reporting. The department of health
11 shall report to the legislature not later than October 1, 2006,
12 regarding its recommendations.

13 NEW SECTION. **Sec. 3.** The department of social and health services
14 shall, in consultation with adoption advocates, representatives of
15 adoption agencies, adoption attorneys, child-placing agencies, birth
16 and adoptive parents and adapters, federally recognized tribes, and
17 representatives of the superior court judges:

18 (1) Review the fees associated with children adopted out of the
19 foster care system who are dependents of the state of Washington. The
20 review shall include a determination of whether fees or any other
21 factors are barriers to adoptions of children out of the foster care
22 system; and

23 (2) Study accreditation standards developed for adoption agencies,
24 including the standards developed by the council on accreditation for
25 children and family services. The department shall brief the
26 legislature by January 1, 2007, on recommendations related to
27 accreditation standards and reducing any barriers that may exist
28 pertaining to the adoption of children who are dependents of the state
29 of Washington.

30 **Sec. 4.** RCW 26.33.400 and 1991 c 136 s 6 are each amended to read
31 as follows:

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

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

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

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

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

22 (3)~~(a)~~ A violation of subsection (2) of this section is a matter
23 affecting the public interest ~~((for the purpose of applying chapter~~
24 ~~19.86 RCW. A violation of subsection (2) of this section is not~~
25 ~~reasonable in relation to the development and preservation of business.~~
26 ~~A violation of subsection (2) of this section))~~ and constitutes an
27 unfair or deceptive act or practice in trade or commerce for the
28 purpose of applying chapter 19.86 RCW.

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

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

1 NEW SECTION. **Sec. 5.** RCW 26.33.410 (Advertisements--Exemption)
2 and 1989 c 255 s 2 are each repealed.

Passed by the Senate March 7, 2006.

Passed by the House March 1, 2006.

Approved by the Governor March 27, 2006.

Filed in Office of Secretary of State March 27, 2006.