

persons or circumstances is not affected.

NEW SECTION. Sec. 21. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 22, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 63

[Substitute House Bill No. 768]

ADOPTION SUPPORT DEMONSTRATION ACT OF 1971

AN ACT Relating to adoptions; authorizing the department of social and health services to charge for certain adoption services; authorizing deposits and transfers of funds for a demonstration project with respect to the making of payments for certain hard to place children who are adopted and for related purposes; adding new sections to chapter 30, Laws of 1965 and to chapter 74.13 RCW; adding a new section to chapter 291, Laws of 1955 and to chapter 26.32 RCW; and creating new sections.

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

NEW SECTION. Section 1. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

It is the policy of this state to enable the secretary to charge fees for certain services to adoptive parents who are able to pay for such services.

It is, however, also the policy of this state that the secretary of the department of social and health services shall be liberal in waiving, reducing, or deferring payment of any such fee to the end that adoptions shall be encouraged in cases where prospective adoptive parents lack means.

It is the policy of this state to encourage, within the limits of available funds, the adoption of certain hard to place children in order to make it possible for children living in, or likely to be placed in, foster homes or institutions to benefit from the stability and security of permanent homes in which such children can receive continuous parental care, guidance, protection, and love and to reduce the number of such children who must be placed or remain in foster homes or institutions until they become adults.

It is also the policy of this state to try, by means of the

program of adoption support authorized in this act, to reduce the total cost to the state of foster home and institutional care.

NEW SECTION. Sec. 2. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

When a child proposed for adoption is placed with a prospective adoptive parent the department may charge such parent a fee in payment or part payment of such adoptive parent's part of the cost of the adoption services rendered and to be rendered by the department.

In charging such fees the department shall treat a husband and wife as a single prospective adoptive parent.

Each such fee shall be fixed according to a sliding scale based on the ability to pay of the prospective adoptive parent or parents.

Such fee scale shall be annually fixed by the secretary after considering the recommendations of the committee designated by the secretary to advise him on child welfare and pursuant to the regulations to be issued by the secretary in accordance with the provisions of Title 34 RCW.

The secretary may waive, defer, or provide for payment in installments without interest of, any such fee whenever in his judgment payment or immediate payment would cause economic hardship to such adoptive parent or parents.

Nothing in this section shall require the payment of a fee to the state of Washington in a case in which an adoption results from independent placement or placement by a licensed child-placing agency.

NEW SECTION. Sec. 3. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

All fees paid for adoption services pursuant to this act during the 1971-1973 fiscal biennium shall be credited to an adoption support account, hereby created, in the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such account. The secretary may also from time to time transfer to such account from appropriations available to him for care of children in foster homes and child-caring institutions such sums not to exceed two hundred fifty thousand dollars during the 1971-1973 fiscal biennium as in his judgment will enable him to carry out a pilot project to demonstrate the value of a program of adoption support. In carrying out such pilot project the secretary is authorized to use the funds made available to him pursuant to this act, or, in his discretion, any portion thereof, to formulate, approve, implement or otherwise act pursuant to RCW 74.08.390, to develop and set up a pilot adoption support project at such level as he deems appropriate, consistent

with the purposes set forth in section 1 of this act. The secretary may develop and approve such a project whether formulated within or outside the department, and may for such purposes, contract with any public agency or licensed child placing agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private and other public funding sources to carry out such project.

The secretary shall make a full report to the legislature during the 1973 legislative session concerning such pilot project including an analysis by the secretary of any savings in foster care and institutional care for hard to place children realized and estimated to be realized in the future as a result of a program of adoption support of the kind provided for in this act.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the adoption support account of the general fund and may use such funds, subject to such limitations as may be imposed by federal law, to carry out the program of adoption support authorized by this act.

The secretary may also deposit in such account and disburse therefrom all gifts and grants from any nonfederal source, including public and private foundations, which may be used for the program of adoption support authorized by this act.

NEW SECTION. Sec. 4. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by this act.

Disbursements from the adoption support account shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches twenty-one years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches twenty-one years of age warrants the continuation of support pursuant to this act the secretary may do so, subject to all the provisions of the act, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who, while having the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child, lacks the financial means fully to care for such hard to place child.

NEW SECTION. Sec. 5. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

The factors to be considered by the secretary in setting the amount of any payment or payments to be made pursuant to this act and in adjusting standards hereunder shall include: The size of the family including the adoptive child, the usual living expenses of the family, the special needs of any family member including education needs, the family income, the family resources and plan for savings, the medical and hospitalization needs of the family, the family's means of purchasing or otherwise receiving such care, and any other expenses likely to be needed by the child to be adopted.

The amounts paid for the support of a child pursuant to this act may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child such payments may be discontinued and later resumed.

Payments under this act may be continued by the secretary subject to review as provided for herein, if such parent or parents having such child in their custody establish their residence in another state or a foreign jurisdiction.

In fixing the standards to govern the amount and character of payments to be made for the support of adopted children pursuant to this act and before issuing rules and regulations to carry out the provisions of this act, the secretary shall consider the comments and recommendations of the committee designated by the secretary to advise him with respect to child welfare.

NEW SECTION. Sec. 6. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

To carry out the program authorized by this act, the secretary

may make continuing payments or lump sum payments of adoption support. In lieu of continuing payments, or in addition to them, the secretary may make one or more specific lump sum payments for or on behalf of a hard to place child either to the adoptive parents or directly to other persons to assist in correcting any condition causing such child to be hard to place for adoption.

After determination by the secretary of the amount of a payment or the initial amount of continuing payments, the prospective parent or parents who desire such support shall sign an agreement with the secretary providing for the payment, in the manner and at the time or times prescribed in regulations to be issued by him subject to the provisions of this act, of the amount or amounts of support so determined.

Payments shall be subject to review as provided in this act.

NEW SECTION. Sec. 7. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

At least annually the secretary shall review the need of any adoptive parent or parents receiving continuing support pursuant to this act, or the need of any parent who is to receive more than one lump sum payment where such payments are to be spaced more than one year apart. Such review shall be made not later than the anniversary date of the adoption support agreement.

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

Any parent who is a party to such an agreement may at any time in writing request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his rights under the hearing provisions set forth in section 10 of this act.

NEW SECTION. Sec. 8. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

So long as any adoptive parent is receiving support pursuant to this act he shall, not later than two weeks after it is filed with the United States Government, file with the secretary a copy of his

federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of this act, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States Government, other than a Superior Court, judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to this act is then pending.

In carrying on the review process authorized by this act the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in section one of this act may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section of this act, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States Government.

Such information shall be marked "confidential" by the secretary, shall be used by him solely for the purposes of this act, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States government other than a superior court judge or commission before whom a petition for adoption of a child being supported or to be supported pursuant to this act is then pending.

NEW SECTION. Sec. 9. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

An agreement for adoption support made pursuant to this act, although subject to review and adjustment as provided for herein, shall, as to the standard used by the secretary in making such review or reviews and any such adjustment, constitutes a contract within the meaning of section 10, Article I of the United States Constitution and section 23, Article I of the State Constitution. For that reason once such an agreement has been made any review of and adjustment under such agreement shall as to the standards used by the secretary, be made only subject to the provisions of this act and such rules and regulations relating thereto as they exist on the date of the initial determination in connection with such agreement or such more generous standard or parts of such standard as may hereafter be provided for by law or regulation. Once made such an agreement shall constitute a solemn undertaking by the state of Washington with such adoptive parent or parents. The termination of the effective period of this act or a decision by the state or federal government to discontinue or reduce general appropriations made available for the purposes to

be served by this act, shall not affect the state's specific continuing obligations to support such adoptions, subject to such annual review and adjustment for all such agreements as have theretofore been entered into by the state.

The purpose of this section is to assure any such parent that, upon his consenting to assume the burdens of adopting a hard to place child, the state will not in future so act by way of general reduction of appropriations for the program authorized by this act or rateable reductions, to impair the trust and confidence necessarily reposed by such parent in the state as a condition of such parent taking upon himself the obligations of parenthood of a difficult to place child.

Should the secretary and any such adoptive parent differ as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary in making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement such adoptive parent may invoke his rights, including all rights of appeal under the fair hearing provisions, available to him under section 10 of this act.

NEW SECTION. Sec. 10. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

Voluntary amendments of any support agreement entered into pursuant to this act may be made at any time. In proposing any such amending action which relates to the amount or level of a payment or payments, the secretary shall, as provided in section 9 of this act, use either the standard which existed as of the date of the initial determination with respect to such agreement or any subsequent standard or parts of such standard which both parties to such agreement agree is more generous than those in effect as of the date of such initial agreement.

The secretary shall seek voluntary amendment of any such agreement before invoking the additional procedures provided for in this section.

Whenever the secretary, having found an adoptive parent declines to agree to a voluntary amendment, wishes to enter an order increasing or decreasing the level of a payment or payments for the support of an adoptive child under this act, he shall notify the adoptive parent of the action the secretary proposed to take in writing by certified mail or personal service stating the grounds upon which the secretary proposes such action.

Within thirty days from the receipt of such notice the adoptive parent or parents may serve upon the official of the department sending such notice a written request for hearing. Service of a request for hearing shall be made by certified mail.

Upon receiving a request for hearing, such officer shall fix a hearing date, which date shall be not later than thirty-five days from the receipt by him of such request for hearing. The matter shall be heard on such date or on such date to which the matter is continued by agreement of the parties. Such official shall also notify the committee designated by the secretary to advise him on child welfare of the filing of such request not less than twenty-five days before the hearing date. If the adoptive parent agrees, a member of such committee may attend the hearing.

If no request for hearing is made within the time specified, the proposed action shall be taken and the agreement between the adoptive parent and the state shall be deemed amended accordingly.

It shall be the duty of the secretary within thirty days after the date of the hearing to notify the appellant of the decision.

The secretary shall promulgate and publish rules governing the conduct of such hearings, including provision for confidentiality.

In all other respects such proceedings shall be conducted by the department pursuant to RCW 74.08.070 and regulations issued pursuant thereto. The adoptive parent shall have a right of appeal as provided in RCW 74.08.080. If the decision of the secretary or the superior court is made in favor of the appellant, adoption support shall be paid from the effective date of the action or decision appealed from.

Except as otherwise specifically provided for in this section the rules adopted by the secretary and the manner of carrying on the proceedings shall be in accord with the provisions of Title 34 RCW.

NEW SECTION. Sec. 11. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

If the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under this act, the secretary may authorize the payment from the adoption support account of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.

In evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to section 2 of this act plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to this act.

NEW SECTION. Sec. 12. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:



In deciding whether to grant a petition for adoption of a hard to place child and in reviewing any request for the vacation or modification of a decree of adoption the superior court shall consider any agreement made or proposed to be made between the secretary of social and health services and any prospective adoptive parent for any payment or payments which have been provided and/or which are to be provided by the secretary in support of the adoption of such child. Prior to the date of the hearing on the petition to adopt, to vacate, or to modify an adoption decree the secretary shall file as part of the adoption file with respect to such child a copy of any such initial agreement, together with any changes made in such agreement, or in the standards relating thereto.

If the court, in its judgment, finds the provision made in an agreement to be inadequate it may make such recommendation as it deems warranted with respect thereto to the secretary of social and health services. The court shall not, however, solely by virtue of this section of this act, be empowered to direct the secretary to make any such payment, provided that this section of this act shall not be deemed to limit any other power of the superior court with respect to such adoption and any matter relating thereto.

NEW SECTION. Sec. 13. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

The secretary shall keep such general records as are needed to evaluate the effectiveness of the program of adoption support authorized by this act in encouraging and effectuating the adoption of hard to place children. In so doing the secretary shall, however, maintain the confidentiality required by law with respect to particular adoptions.

NEW SECTION. Sec. 14. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

Any child-caring agency or person having a child in foster care or institutional care and wishing to recommend to the secretary support of the adoption of such child as provided for in this act may do so, and may include in its or his recommendation advice as to the appropriate level of support and any other information likely to assist the secretary in carrying out the functions vested in the secretary by this act. Such agency may, but is not required to, be retained by the secretary to make the required preplacement study of the prospective adoptive parent or parents.

NEW SECTION. Sec. 15. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

As used in this act the following definitions shall apply:

(1) "Secretary" means the secretary of the department of social and health services or his designee.

(2) "Department" means the department of social and health

services.

NEW SECTION. Sec. 16. The authority granted to the secretary in sections 3 through 15 of this act to provide adoption support to prospective parents who adopt hard to place children shall terminate on June 30, 1973 unless such authority is hereafter extended by law: PROVIDED, That payments shall be continued by the secretary subject to annual review as provided in sections 3 through 15 of this act for all hard to place children for whom adoption support agreements have been entered into by the secretary on or before June 30, 1973.

NEW SECTION. Sec. 17. This act may be known and cited as the "Adoption Support Demonstration Act of 1971".

Passed the House May 1, 1971.

Passed the Senate April 29, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 64

[Engrossed House Bill No. 38]

REVENUE AND TAXATION--

PROPERTY TAX EXEMPTIONS--

CHURCH CAMPS, CHARACTER BUILDING ASS'N PROPERTY, CONVENTS--

LEGISLATIVE COUNCIL STUDY

AN ACT Relating to revenue and taxation; amending section 84.36.030, chapter 15, Laws of 1961 as amended by section 1, chapter 137, Laws of 1969 and RCW 84.36.030; amending section 84.36.020, chapter 15, Laws of 1961, as amended by section 3, chapter 103, Laws of 1961 and RCW 84.36.020; and creating a new section.

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

Section 1. Section 84.36.030, chapter 15, Laws of 1961 as amended by section 1, chapter 137, Laws of 1969 and RCW 84.36.030 are each amended to read as follows:

The following property shall be exempt from taxation:

Property owned by nonsectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be used, or to the extent solely used, for the religious purposes of such associations, or for the educational, benevolent, protective, or social departments growing out of, or related to, the religious work of such associations;

Property owned by any church which is utilized as a camp facility if solely used for organized and supervised educational and recreational activities. The rental of property otherwise exempt