

CHAPTER 85

[Substitute House Bill No. 1729]

ADOPTION CONSENT—VALIDATION OF PROCEEDINGS—CHILD SELLING

AN ACT Relating to children; amending section 3, chapter 291, Laws of 1955 as last amended by section 15, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.030; creating new sections; adding a new section to chapter 9A.64 RCW; prescribing penalties; providing a retroactive effect; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 291, Laws of 1955 as last amended by section 15, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.030 are each amended to read as follows:

(1) Written consent to adoption must be filed with the petition for adoption, as follows:

~~((+))~~ (a) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

~~((+))~~ (b) If a legal guardian has been appointed for the person of the child, then by such guardian; ~~((and~~

~~(+))~~ (c) If the person to be adopted is a minor ~~((and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency)) then by each of his or her living parents who has not had his or her parent and child relationship terminated pursuant to a court order. If the parents' written consent is obtained, the procedures specified in this chapter for voluntary termination of the parent and child relationship are not applicable. A parent may revoke his or her written consent at any time before the consent is accepted by the court; and~~

(d) If the person to be adopted is a minor and has been permanently committed upon due notice to his or her parents by any court of general jurisdiction to an approved agency, then by such approved agency.

(2) The written consent shall be acknowledged before a notary public and filed with the petition or at all events before any action is taken by the court in such proceeding. Such consent shall recite that it is given subject to the approval of the court to be requested in an adoption proceeding and to have no force or effect until such court has approved the same. Such consent shall also provide therein that, after it is approved by the court and the order of relinquishment issued and filed, as required by RCW 26.36.010, and the child relinquished by[to] the petitioners, it is not revocable except for fraud practiced by the petitioners or mental incompetency of the person signing the consent at the time of signing the same;

(3) If the parent signing the consent is a minor, the court shall appoint a guardian ad litem, who shall make an investigation and report prior to the

order of relinquishment, covering the competency of the person signing the consent and certifying that the consent was voluntarily made and for the best interests of the child.

NEW SECTION. Sec. 2. An action or proceeding for adoption commenced after September 1, 1979, and not later than ninety days after the effective date of this 1980 act, which complies with the jurisdictional and procedural requirements of chapter 26.32 RCW as it existed prior to September 1, 1979, shall not be invalid because of a failure to comply with the requirements of chapter 165, Laws of 1979 ex. sess. However, the court in its discretion need not apply this section upon the pleading of a person who alleges, within ninety days after the effective date of this 1980 act, that this section prejudices him or her in the exercise of any right.

NEW SECTION. Sec. 3. There is added to chapter 9A.64 RCW a new section to read as follows:

- (1) It is unlawful for any person to sell or purchase a minor child.
- (2) A transaction shall not be a purchase or sale under subsection (1) of this section if any of the following exists:
 - (a) The transaction is between the parents of the minor child; or
 - (b) The transaction is between a person receiving or to receive the child and a benevolent or charitable society recognized under RCW 26.37.010, as now existing or hereafter amended; or
 - (c) The transaction is between the person receiving or to receive the child and a state agency or other governmental agency; or
 - (d) The transaction is pursuant to chapter 26.34 RCW, as now existing or hereafter amended; or
 - (e) The transaction is pursuant to court order; or
 - (f) The only consideration paid by the person receiving or to receive the child is intended to pay for the prenatal hospital or medical expenses involved in the birth of the child, or attorneys' fees and court costs involved in effectuating transfer of child custody.
- (3) Child selling is a class C felony and child buying is a class C felony.

NEW SECTION. Sec. 4. This 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.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 25, 1980.

Passed the Senate February 19, 1980.

Approved by the Governor March 7, 1980.

Filed in Office of Secretary of State March 7, 1980.