

## CHAPTER 155

[Engrossed Substitute House Bill No. 626]

## ADOPTION

AN ACT Relating to adoption; adding a new chapter to Title 26 RCW; repealing section 1, chapter 291, Laws of 1955 and RCW 26.32.010; repealing section 1, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.015; repealing section 2, chapter 291, Laws of 1955 and RCW 26.32.020; repealing section 3, chapter 291, Laws of 1955, section 2, chapter 134, Laws of 1973, section 26, chapter 42, Laws of 1975-'76 2nd ex. sess., section 15, chapter 165, Laws of 1979 ex. sess., section 1, chapter 85, Laws of 1980 and RCW 26.32.030; repealing section 2, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.032; repealing section 3, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.034; repealing section 4, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.036; repealing section 5, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.038; repealing section 7, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.042; repealing section 8, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.044; repealing section 9, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.046; repealing section 10, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.048; repealing section 11, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.052; repealing section 12, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.054; repealing section 13, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.056; repealing section 14, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.058; repealing section 6, chapter 291, Laws of 1955, section 16, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.060; repealing section 9, chapter 291, Laws of 1955, section 1, chapter 172, Laws of 1971 ex. sess., section 75, chapter 155, Laws of 1979 and RCW 26.32.090; repealing section 10, chapter 291, Laws of 1955 and RCW 26.32.100; repealing section 11, chapter 291, Laws of 1955, section 38, chapter 292, Laws of 1971 ex. sess. and RCW 26.32.110; repealing section 12, chapter 63, Laws of 1971 ex. sess. and RCW 26.32.115; repealing section 12, chapter 291, Laws of 1955, section 1, chapter 101, Laws of 1979 ex. sess., section 19, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.120; repealing section 14, chapter 291, Laws of 1955 and RCW 26.32.140; repealing section 15, chapter 291, Laws of 1955 and RCW 26.32.150; repealing section 16, chapter 291, Laws of 1955 and RCW 26.32.160; repealing section 2, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.200; repealing section 3, chapter 172, Laws of 1971 ex. sess., section 17, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.210; repealing section 4, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.220; repealing section 5, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.230; repealing section 6, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.240; repealing section 7, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.250; repealing section 8, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.260; repealing section 9, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.270; repealing section 10, chapter 172, Laws of 1971 ex. sess., section 13, chapter 75, Laws of 1977 and RCW 26.32.280; repealing section 10, chapter 134, Laws of 1973, section 32, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.300; repealing section 11, chapter 134, Laws of 1973, section 33, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.310; repealing section 1, chapter 268, Laws of 1943 and RCW 26.32.900; repealing section 17, chapter 268, Laws of 1943 and RCW 26.32.910; repealing section 26, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.911; repealing section 25, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.915; repealing section 2, chapter 85, Laws of 1980 and RCW 26.32.916; repealing section 1, chapter 150, Laws of 1935, section 1, chapter 162, Laws of 1939, section 1, chapter 251, Laws of 1951 and RCW 26.36.010; repealing section 2, chapter 150, Laws of 1935 and RCW 26.36.020; repealing section 3, chapter 150, Laws of 1935 and RCW 26.36.030; repealing section 4, chapter 150, Laws of 1935, section 2, chapter 162, Laws of 1939, section 2, chapter 251, Laws of 1951 and RCW 26.36.040; repealing section 1, chapter 82, Laws of 1970 ex. sess., section 21, chapter 80, Laws of 1977 ex. sess., section 20, chapter 165, Laws of 1979 ex. sess. and RCW 26.36.050; repealing section 6, chapter 150, Laws of 1935 and RCW 26.36.060; repealing section 1, chapter 49, Laws of 1903, section 7, chapter 134, Laws of 1973, section 34, chapter 42, Laws of 1975-'76 2nd ex. sess., section 18, chapter 165, Laws of 1979 ex. sess. and RCW 26.37.010; repealing section 2, chapter 49, Laws of 1903, section 44, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.37.020; repealing section 3, chapter 49, Laws of 1903 and RCW 26.37.030; repealing section 4, chapter 49, Laws of 1903 and RCW 26.37.040; repealing section 5, chapter 49, Laws of 1903 and RCW 26.37.050; repealing section 6, chapter 49, Laws of

1903 and RCW 26.37.060; repealing section 7, chapter 49, Laws of 1903 and RCW 26.37.070; repealing section 8, chapter 49, Laws of 1903 and RCW 26.37.080; prescribing penalties; and providing an effective date.

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

**NEW SECTION.** Sec. 1. The legislature finds that the purpose of adoption is to provide stable homes for children. Adoptions should be handled efficiently, but the rights of all parties must be protected. The guiding principle must be determining what is in the best interest of the child. It is the intent of the legislature that this chapter be used only as a means for placing children in adoptive homes and not as a means for parents to avoid responsibility for their children unless the department, an agency, or a prospective adoptive parent is willing to assume the responsibility for the child.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

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

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

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

(5) "Court" means the superior court.

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

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

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

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

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

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

NEW SECTION. Sec. 3. (1) A petition under this chapter may be filed in the superior court of the county in which the petitioner is a resident or of the county in which the adoptee is domiciled.

(2) A petition under this chapter may be consolidated with any other petition under this chapter. A hearing under this chapter may be consolidated with any other hearing under this chapter.

NEW SECTION. Sec. 4. (1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq., applies to the proceeding. Every order or decree entered in any proceeding under this chapter shall contain a finding that the Indian Child Welfare Act does or does not apply.

(2) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the Soldiers and Sailors Civil Relief Act of 1940, 50 U.S.C. Sec. 501 et seq. applies to the proceeding. Every order or decree entered in any proceeding under this chapter shall contain a finding that the Soldiers and Sailors Civil Relief Act of 1940 does or does not apply.

NEW SECTION. Sec. 5. Any consent, relinquishment, or order of termination that would be valid in the jurisdiction in which it was executed or obtained, and which comports with due process of law, is valid in Washington state, but the burden of proof as to validity and compliance is on the petitioner.

NEW SECTION. Sec. 6. All hearings under this chapter shall be heard by the court without a jury. Unless the parties and the court agree otherwise, proceedings of contested hearings shall be recorded. The general public shall be excluded and only those persons shall be admitted whose presence is requested by any person entitled to notice under this chapter or whom the judge finds to have a direct interest in the case or in the work of the court. Persons so admitted shall not disclose any information obtained at the hearing which would identify the individual adoptee or parent involved. The court may require the presence of witnesses deemed necessary to the disposition of the petition, including persons making any report, study, or examination which is before the court if those persons are reasonably available. A person who has executed a valid waiver need not appear at the hearing. If the court finds that it is in the child's best interest, the child may be excluded from the hearing.

NEW SECTION. Sec. 7. (1) The court shall appoint a guardian ad litem for any parent or alleged father under eighteen years of age in any proceeding under this chapter. The court may appoint a guardian ad litem for a child adoptee or any incompetent party in any proceeding under this

chapter. The guardian ad litem for a parent or alleged father, in addition to determining what is in the best interest of the party, shall make an investigation and report to the court concerning whether any written consent to adoption or petition for relinquishment signed by the parent or alleged father was signed voluntarily and with an understanding of the consequences of the action.

(2) The county in which a petition is filed shall pay the fees of a guardian ad litem or attorney appointed under this chapter.

NEW SECTION. Sec. 8. (1) A parent, the department, or an agency may file with the court a petition to relinquish a child to the department or an agency. The parent's written consent to adoption shall accompany the petition. The written consent of the department or the agency to assume custody shall be filed with the petition.

(2) A parent or prospective adoptive parent may file with the court a petition to relinquish a child to the prospective adoptive parent. The parent's written consent to adoption shall accompany the petition. The written consent of the prospective adoptive parent to assume custody shall be filed with the petition. The identity of the prospective adoptive parent need not be disclosed to the petitioner.

(3) A petition for relinquishment, together with the written consent to adoption, may be filed before the child's birth.

NEW SECTION. Sec. 9. (1) The court shall set a time and place for a hearing on the petition for relinquishment. The hearing may not be held sooner than forty-eight hours after the child's birth. The court may enter a temporary order giving custody of the child to the prospective adoptive parent, if a preplacement report has been filed, or to the department or agency to whom the child will be relinquished pending the court's hearing on the petition.

(2) Notice of the hearing shall be served on any parent, any alleged father, and the department, agency, or prospective adoptive parent in the manner prescribed by section 31 of this act.

(3) The court may require the parent to appear personally and enter his or her consent to adoption on the record. The court shall determine that any written consent has been validly executed. If the court determines it is in the best interests of the child, the court shall approve the petition for relinquishment.

(4) If the court approves the petition, it shall award custody of the child to the department, agency, or prospective adoptive parent, who shall be appointed legal guardian. The legal guardian shall be financially responsible for support of the child until further order of the court. The court shall also enter an order pursuant to section 13 of this act terminating the parent-child relationship of the parent and the child.

(5) An order of relinquishment to an agency or the department shall include an order authorizing the agency to place the child with a prospective adoptive parent.

NEW SECTION. Sec. 10. (1) A petition for termination of the parent-child relationship of a parent or alleged father who has not executed a written consent to adoption may be filed by:

- (a) The department or an agency; or
- (b) The prospective adoptive parent to whom a child has been or may be relinquished if the prospective adoptive parent has filed or consented to a petition for relinquishment.

(2) The petition for termination of the parent-child relationship shall contain a statement of facts identifying the petitioner, the parents, the legal guardian, a guardian ad litem for a party, any alleged father, and the child. The petition shall state the facts forming the basis for the petition and shall be signed under penalty of perjury or be verified.

(3) The petition may be filed before the child's birth.

NEW SECTION. Sec. 11. (1) The court shall set a time and place for a hearing on the petition for termination of the parent-child relationship, which shall not be held sooner than forty-eight hours after the child's birth.

(2) Notice of the hearing shall be served on the petitioner, the parents, any alleged father, the legal guardian of a party, and the guardian ad litem of a party, in the manner prescribed by section 31 of this act.

(3) The notice of the petition shall:

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

(b) Inform the nonconsenting parent or alleged father that: (i) He or she has a right to be represented by counsel and that counsel will be appointed for an indigent person who requests counsel; and (ii) failure to respond to the termination action within twenty days of service will result in the termination of his or her parent-child relationship with respect to the child;

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

NEW SECTION. Sec. 12. (1) The parent-child relationship of a parent may be terminated upon a showing by clear, cogent, and convincing evidence that it is in the best interest of the child to terminate the relationship and that the parent has failed to perform parental duties under circumstances showing a substantial lack of regard for his or her parental obligations and is withholding consent to adoption contrary to the best interest of the child.

(2) The parent-child relationship of an alleged father who appears and claims paternity may be terminated upon a showing by clear, cogent, and convincing evidence that it is in the best interest of the child to terminate the relationship and that:

(a) The alleged father has failed to perform parental duties under circumstances showing a substantial lack of regard for his parental obligations and is withholding consent to adoption contrary to the best interest of the child; or

(b) He is not the father.

(3) The parent-child relationship of a parent or an alleged father may be terminated if the parent or alleged father fails to appear after being notified of the hearing in the manner prescribed by section 31 of this act.

**NEW SECTION.** Sec. 13. (1) If the court determines, after a hearing, that the parent-child relationship should be terminated pursuant to section 9 or 12 of this act, the court shall enter an appropriate order terminating the parent-child relationship.

(2) An order terminating the parent-child relationship divests the parent and the child of all legal rights, powers, privileges, immunities, duties, and obligations with respect to each other except past-due child support obligations owed by the parent.

(3) The parent-child relationship may be terminated with respect to one parent without affecting the parent-child relationship between the child and the other parent.

(4) The parent or alleged father whose parent-child relationship with the child has been terminated is not thereafter entitled to notice of proceedings for the adoption of the child by another, nor has the parent or alleged father any right to contest the adoption or otherwise to participate in the proceedings unless an appeal from the termination order is pending or unless otherwise ordered by the court.

**NEW SECTION.** Sec. 14. (1) Any person may be adopted, regardless of his or her age or residence.

(2) Any person who is legally competent and who is eighteen years of age or older may be an adoptive parent.

**NEW SECTION.** Sec. 15. (1) An adoption proceeding is initiated by filing with the court a petition for adoption. The petition shall be filed by the prospective adoptive parent.

(2) A petition for adoption shall contain the following information:

(a) The name and address of the petitioner;

(b) The name, if any, gender, and place and date of birth, if known, of the adoptee;

(c) A statement that the child is or is not an Indian child covered by the Indian Child Welfare Act; and

(d) The name and address of the department or any agency, legal guardian, or person having custody of the child.

(3) The written consent to adoption of any person, the department, or agency which has been executed shall be filed with the petition.

(4) The petition shall be signed under penalty of perjury by the petitioner. If the petitioner is married, the petitioner's spouse shall join in the petition.

(5) If a preplacement report prepared pursuant to section 19 of this act has not been previously filed with the court, the preplacement report shall be filed with the petition for adoption.

NEW SECTION. Sec. 16. (1) Except as otherwise provided in section 17 of this act, consent to an adoption shall be required of the following if applicable:

(a) The adoptee, if fourteen years of age or older;

(b) The parents and any alleged father of an adoptee under eighteen years of age;

(c) An agency or the department to whom the adoptee has been relinquished pursuant to section 8 of this act; and

(d) The legal guardian of the adoptee.

(2) The written consent to adoption shall be signed under penalty of perjury and shall state that:

(a) It is given subject to approval of the court;

(b) It has no force or effect until approved by the court;

(c) The consent will not be presented to the court until forty-eight hours after it is signed;

(d) It is revocable by the consenting party at any time prior to its approval by the court;

(e) A consenting party who seeks to revoke the consent must notify the agency or person who obtained the consent verbally or in writing within forty-eight hours of signing the consent, and, if the initial notice is oral, the party seeking to revoke must mail written notification of revocation to the clerk of the court no less than forty-eight hours after the oral notice was given;

(f) The address of the clerk of court where the consent will be presented is included; and

(g) After it has been approved by the court, the consent is not revocable except for fraud or duress practiced by the person, department, or agency requesting the consent or for lack of mental competency at the time the consent was executed by the person signing the consent. A written consent to adoption shall not be revoked more than one year after it is approved by the court.

(3) A written consent to adoption which meets all the requirements of this chapter but which does not name or otherwise identify the adopting parent shall be valid if it contains a statement that it is voluntarily executed

without disclosure of the name or other identification of the adopting parent.

NEW SECTION. Sec. 17. An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines that the proposed adoption is in the best interests of the adoptee and that the refusal to consent to adoption is arbitrary and capricious.

NEW SECTION. Sec. 18. Except as provided in section 22 of this act, a child shall not be placed with prospective adoptive parents until a preplacement report has been filed with the court.

NEW SECTION. Sec. 19. (1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent.

(3) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(4) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(5) A copy of the completed preplacement report shall be delivered to the person requesting the report.



(6) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

NEW SECTION. Sec. 20. (1) Except as provided in section 22 of this act, at the time the petition for adoption is filed, the court shall order a post-placement report made to determine the nature and adequacy of the placement and to determine if the placement is in the best interest of the child. The report shall be prepared by an agency, the department, an individual approved by the court, or a qualified salaried court employee appointed by the court. The report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption. The report shall also include, if relevant, information on the child's special cultural heritage, including membership in any Indian tribe or band. The report shall be filed within sixty days of the date of appointment, unless the time is extended by the court. The preplacement report shall be made available to the person appointed to make the post-placement report.

(2) A fee may be charged for preparation of the post-placement report in the same manner as for a preplacement report under section 19(3) of this act.

NEW SECTION. Sec. 21. The department or an agency having the custody of a child may make the preplacement or post-placement report on a petitioner for the adoption of that child.

NEW SECTION. Sec. 22. Unless otherwise ordered by the court, the reports required by section 19 of this act are not required if the petitioner seeks to adopt the child of the petitioner's spouse. The reports required by sections 19 and 20 of this act are not required if the adoptee is eighteen years of age or older.

NEW SECTION. Sec. 23. (1) After the reports required by sections 19 and 20 of this act have been filed, the court shall schedule a hearing on the petition for adoption upon request of the petitioner for adoption. Notice of the date, time, and place of hearing shall be given to the petitioner and any person or agency whose consent to adoption is required under section 16 of this act, unless the person or agency has waived in writing the right to receive notice of the hearing. Notice shall be given in the manner prescribed by section 31 of this act.

(2) Notice of the adoption hearing shall also be given to any person who or agency which has prepared a preplacement report. The notice shall be given in the manner prescribed by section 24 of this act.

(3) If the court determines, after review of the petition, preplacement and post-placement reports, and other evidence introduced at the hearing, that all necessary consents to adoption are valid or have been dispensed with

pursuant to section 17 of this act and that the adoption is in the best interest of the adoptee, the court shall enter a decree of adoption pursuant to section 25 of this act.

(4) If the court determines the petition should not be granted because the adoption is not in the best interest of the child, the court shall make appropriate provision for the care and custody of the child.

NEW SECTION. Sec. 24. The petitioner shall give not less than three days written notice of any proceeding at which a preplacement report will be considered to all agencies, any court approved individual, or any court employee requested by the petitioner to make a preplacement report. The notice shall state the name of the petitioner, the cause number of the proceeding, the time and place of the hearing, and the object of the hearing. Proof of service on the agency or court approved individual in form satisfactory to the court shall be furnished. The agency or court approved individual may appear at the hearing and give testimony concerning any matters relevant to the relinquishment or the adoption and its recommendation as to the fitness of petitioners as parents. The agency or court approved individual may in writing acknowledge notice and state to the court that the agency or court approved individual does not desire to participate in the hearing or the agency or court approved individual may in writing waive notice of any hearing.

NEW SECTION. Sec. 25. (1) A decree of adoption shall provide, as a minimum, the following information:

- (a) The full original name of the person to be adopted;
- (b) The full name of each petitioner for adoption;
- (c) Whether the petitioner or petitioners are husband and wife, step-parent, or a single parent;
- (d) The full new name of the person adopted, unless the name of the adoptee is not to be changed;
- (e) Information to be incorporated in any new certificate of birth to be issued by the state or territorial registrar of vital records; and
- (f) The adoptee's date of birth and place of birth as determined under subsection (3) of this section.

(2) Except for the names of the person adopted and the petitioner, information set forth in the decree that differs from that shown on the original birth certificate, alternative birth record, or other information used in lieu of such a record shall be included in the decree only upon a clear showing that the information in the original record is erroneous.

(3) In determining the date and place of birth of a person born outside the United States, the court shall:

- (a) If available, enter in the decree the exact date and place of birth as stated in the birth certificate from the country of origin or in the United States department of state's report of birth abroad or in the documents of the United States immigration and naturalization service;

(b) If the exact place of birth is unknown, enter in the decree such information as may be known and designate a place of birth in the country of origin;

(c) If the exact date of birth is unknown, determine a date of birth based upon medical testimony as to the probable chronological age of the adoptee and other evidence regarding the adoptee's age that the court finds appropriate to consider;

(d) In any other case where documents of the United States immigration and naturalization service are not available, the court shall determine the date and place of birth based upon such evidence as the court in its discretion determines appropriate.

NEW SECTION. Sec. 26. The entry of a decree of adoption divests any parent or alleged father who is not married to the adoptive parent or who has not joined in the petition for adoption of all legal rights and obligations in respect to the adoptee, except past-due child support obligations. The adoptee shall be free from all legal obligations of obedience and maintenance in respect to the parent. The adoptee shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of the adoptive parent, entitled to all rights and privileges, including the right of inheritance and the right to take under testamentary disposition, and subject to all the obligations of a natural child of the adoptive parent.

NEW SECTION. Sec. 27. An order or decree entered under this chapter shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States. Action under this chapter shall not affect any rights and benefits that a native American child derives from the child's descent from a member of an Indian tribe or band.

NEW SECTION. Sec. 28. After a decree of adoption is entered, as soon as the time for appeal has expired, or if an appeal is taken, and the adoption is affirmed on appeal, the clerk of the court shall transmit to the state registrar of vital statistics a certified copy of the decree, along with any additional information and fees required by the registrar.

NEW SECTION. Sec. 29. Upon receipt of a decree of adoption, the state registrar of vital statistics shall:

(1) Return the decree to the court clerk if all information required by section 25 of this act is not included in the decree;

(2) If the adoptee was born in a state other than Washington, or in a territory of the United States, forward the certificate of adoption to the appropriate health record recording agency of the state or territory of the United States in which the birth occurred;

(3) If the adoptee was born outside of the United States or its territories, issue a new certificate of birth by the office of the state registrar of vital statistics which reflects the information contained in the decree.

NEW SECTION. Sec. 30. The department shall be a depository for statistical data concerning adoption. It shall furnish to the clerk of each county a data card which shall be completed and filed with the clerk on behalf of each petitioner. The clerk shall forward the completed cards to the department which may compile the data and publish reports summarizing the data. A birth certificate shall not be issued showing the petitioner as the parent of any child adopted in the state of Washington until a data card has been completed and filed.

NEW SECTION. Sec. 31. (1) Petitions governed by this chapter shall be served in the same manner as a complaint in a civil action under the superior court civil rules. Subsequent notice, papers, and pleadings may be served in the manner provided in superior court civil rules.

(2) If personal service on the parent or any identified alleged father, either within or without this state, cannot be given, notice shall be given: (a) By registered mail, mailed at least twenty days before the hearing to the person's last known address; and (b) by publication at least once a week for three consecutive weeks with the first publication date at least twenty-five days before the hearing. Publication shall be in a legal newspaper in the city or town of the last known address within the United States and its territories of the parent or alleged father, whether within or without this state, or, if no address is known or the last known address is not within the United States and its territories, in the city or town where the proceeding has been commenced.

(3) Notice and appearance may be waived by the department, an agency, a parent, or an alleged father before the court or in a writing signed under penalty of perjury. The waiver shall contain the current address of the department, agency, parent, or alleged father. The face of the waiver for a hearing on termination of the parent-child relationship shall contain language explaining the meaning and consequences of the waiver and the meaning and consequences of termination of the parent-child relationship. A person or agency who has executed a waiver shall not be required to appear.

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

NEW SECTION. Sec. 32. (1) 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 department and any prospective adoptive parent for any payment or payments which have been provided or which are to be provided by the department in support of the adoption of such child. Before the date of the hearing on the petition to adopt, vacate, or modify an adoption decree, the department shall file as part of the adoption file with respect to the child a copy of any

initial agreement, together with any changes made in the agreement, or in the related standards.

(2) If the court, in its judgment, finds the provision made in an agreement to be inadequate, it may make any recommendation as it deems warranted with respect to the agreement to the department. The court shall not, however, solely by virtue of this section, be empowered to direct the department to make payment. This section shall not be deemed to limit any other power of the superior court with respect to the adoption and any related matter.

NEW SECTION. Sec. 33. (1) All records of any proceeding under this chapter shall be sealed and shall not be thereafter open to inspection by any person except upon order of the court for good cause shown.

(2) The state registrar of vital statistics may charge a reasonable fee for the review of any of its sealed records.

NEW SECTION. Sec. 34. Department and agency files regarding an adoptee shall be confidential except the department or agency may disclose nonidentifying information necessary for medical purposes upon the receipt of a verified written request for the information from the adoptive parent, the adoptee, or the natural parent.

NEW SECTION. Sec. 35. (1) If a natural parent unsuccessfully petitions to have an adoption set aside, the court shall award costs, including reasonable attorneys' fees, to the adoptive parent.

(2) If a natural parent successfully petitions to have an adoption set aside, the natural parent shall be liable to the adoptive parent for both the actual expenditures and the value of services rendered by the adoptive parents in caring for the child.

(3) A natural parent who has executed a written consent to adoption shall not bring an action to set aside an adoption more than one year after the date the court approved the written consent.

NEW SECTION. Sec. 36. (1) Unless otherwise permitted by court order or statute, it is unlawful for any person, partnership, society, association, or corporation, except the parents, to assume the permanent care and custody of a child. Unless otherwise permitted by court order or statute, it is unlawful for any parent to relinquish or transfer to another person, partnership, society, association, or corporation the permanent care and custody of any child for adoption or any other purpose.

(2) Any relinquishment or transfer in violation of this section shall be void.

(3) Violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 37. Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed

by adoption a complete medical report containing all reasonably available information concerning the mental, physical, and sensory handicaps of the child. The report shall not reveal the identity of the natural parents of the child but shall include any reasonably available mental or physical health history of the natural parents that needs to be known by the adoptive parents to facilitate proper health care for the child.

NEW SECTION. Sec. 38. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 291, Laws of 1955 and RCW 26.32.010;
- (2) Section 1, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.015;
- (3) Section 2, chapter 291, Laws of 1955 and RCW 26.32.020;
- (4) Section 3, chapter 291, Laws of 1955, section 2, chapter 134, Laws of 1973, section 26, chapter 42, Laws of 1975-'76 2nd ex. sess., section 15, chapter 165, Laws of 1979 ex. sess., section 1, chapter 85, Laws of 1980 and RCW 26.32.030;
- (5) Section 2, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.032;
- (6) Section 3, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.034;
- (7) Section 4, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.036;
- (8) Section 5, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.038;
- (9) Section 7, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.042;
- (10) Section 8, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.044;
- (11) Section 9, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.046;
- (12) Section 10, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.048;
- (13) Section 11, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.052;
- (14) Section 12, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.054;
- (15) Section 13, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.056;
- (16) Section 14, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.058;
- (17) Section 6, chapter 291, Laws of 1955, section 16, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.060;

(18) Section 9, chapter 291, Laws of 1955, section 1, chapter 172, Laws of 1971 ex. sess., section 75, chapter 155, Laws of 1979 and RCW 26.32.090;

(19) Section 10, chapter 291, Laws of 1955 and RCW 26.32.100;

(20) Section 11, chapter 291, Laws of 1955, section 38, chapter 292, Laws of 1971 ex. sess. and RCW 26.32.110;

(21) Section 12, chapter 63, Laws of 1971 ex. sess. and RCW 26.32.115;

(22) Section 12, chapter 291, Laws of 1955, section 1, chapter 101, Laws of 1979 ex. sess., section 19, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.120;

(23) Section 14, chapter 291, Laws of 1955 and RCW 26.32.140;

(24) Section 15, chapter 291, Laws of 1955 and RCW 26.32.150;

(25) Section 16, chapter 291, Laws of 1955 and RCW 26.32.160;

(26) Section 2, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.200;

(27) Section 3, chapter 172, Laws of 1971 ex. sess., section 17, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.210;

(28) Section 4, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.220;

(29) Section 5, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.230;

(30) Section 6, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.240;

(31) Section 7, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.250;

(32) Section 8, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.260;

(33) Section 9, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.270;

(34) Section 10, chapter 172, Laws of 1971 ex. sess., section 13, chapter 75, Laws of 1977 and RCW 26.32.280;

(35) Section 10, chapter 134, Laws of 1973, section 32, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.300;

(36) Section 11, chapter 134, Laws of 1973, section 33, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.310;

(37) Section 1, chapter 268, Laws of 1943 and RCW 26.32.900;

(38) Section 17, chapter 268, Laws of 1943 and RCW 26.32.910;

(39) Section 26, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.911;

(40) Section 25, chapter 165, Laws of 1979 ex. sess. and RCW 26.32-915; and

(41) Section 2, chapter 85, Laws of 1980 and RCW 26.32.916.

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 150, Laws of 1935, section 1, chapter 162, Laws of 1939, section 1, chapter 251, Laws of 1951 and RCW 26.36.010;
- (2) Section 2, chapter 150, Laws of 1935 and RCW 26.36.020;
- (3) Section 3, chapter 150, Laws of 1935 and RCW 26.36.030;
- (4) Section 4, chapter 150, Laws of 1935, section 2, chapter 162, Laws of 1939, section 2, chapter 251, Laws of 1951 and RCW 26.36.040;
- (5) Section 1, chapter 82, Laws of 1970 ex. sess., section 21, chapter 80, Laws of 1977 ex. sess., section 20, chapter 165, Laws of 1979 ex. sess. and RCW 26.36.050;
- (6) Section 6, chapter 150, Laws of 1935 and RCW 26.36.060;
- (7) Section 1, chapter 49, Laws of 1903, section 7, chapter 134, Laws of 1973, section 34, chapter 42, Laws of 1975-'76 2nd ex. sess., section 18, chapter 165, Laws of 1979 ex. sess. and RCW 26.37.010;
- (8) Section 2, chapter 49, Laws of 1903, section 44, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.37.020;
- (9) Section 3, chapter 49, Laws of 1903 and RCW 26.37.030;
- (10) Section 4, chapter 49, Laws of 1903 and RCW 26.37.040;
- (11) Section 5, chapter 49, Laws of 1903 and RCW 26.37.050;
- (12) Section 6, chapter 49, Laws of 1903 and RCW 26.37.060;
- (13) Section 7, chapter 49, Laws of 1903 and RCW 26.37.070; and
- (14) Section 8, chapter 49, Laws of 1903 and RCW 26.37.080.

NEW SECTION. Sec. 40. Sections 1 through 37 of this act shall constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 41. This act shall take effect January 1, 1985. Any proceeding initiated before the effective date of this act shall be governed by the law in effect on the date the proceeding was initiated.

NEW SECTION. Sec. 42. 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 29, 1984.

Passed the Senate February 26, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

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## CHAPTER 156

[Substitute House Bill No. 1105]

SENTINEL BIRTH DEFECTS

AN ACT Relating to birth defects; amending section 3, chapter 177, Laws of 1959 as amended by section 111, chapter 141, Laws of 1979 and RCW 70.58.320; amending section 4,