



STATE OF WASHINGTON
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WRITTEN TESTIMONY ON HB 1675
Improving the Adoption Process

HOUSE JUDICIARY COMMITTEE
Wednesday, February 20, 2013, 8:00a.m.
House Hearing Room A
John L. O'Brien Building

Good morning Chairman Pedersen and members of the committee. My name is Patrick Dowd and I am with the Office of the Family & Children's Ombudsman ("OFCO"). While OFCO remains neutral on specific proposed legislation, we strongly support the intent of this legislation to improve the adoption process and safeguard children.

Background

*The Office of the Family and Children's Ombudsman (OFCO) 2011 Annual Report*¹ documented an alarming cluster of cases of severe child abuse and neglect occurring in adoptive or pre-adoptive placements. Eleven of the fifteen cases described in the *2011 Annual Report*, occurred in 2011. These cases include children who were adopted: from the Washington state foster care system; from the foster care systems of other states; from foreign countries; and through private agencies or through private adoption facilitators. What is particularly disturbing is that in these cases, the child abuse and neglect occurred in homes that had been scrutinized and approved by public or private child welfare agencies as appropriate adoptive homes for the child, and/or finalized by the court as an adoption.

Common elements related to child abuse and neglect noted in several of these cases include:

- Locking the child in a room;

¹ Available at: <http://www.governor.wa.gov/ofco/reports/default.asp>

- Withholding food from the child;
- Disparaging remarks about the child and discrediting the child as being untruthful;
- Exaggerating or misstating the child's negative behaviors;
- Physical and emotional abuse;
- Forcing the child to remain outside the home;
- Denying the child access to toilet facilities; and
- Isolating the child from the community, such as removing the child from public school.

Of the seventeen children in this report who were victims of severe abuse, ten were Caucasian, five were African American (four of whom were adopted internationally), one was Native American, and one Latino child, who was also adopted internationally. All adoptive parents were Caucasian.

In response to these troubling issues concerning the severe child abuse and neglect of adopted children, then Governor Christine Gregoire requested that Children's Administration (CA) and OFCO convene a multi-disciplinary workgroup to examine these issues and make recommendations to improve the adoption process and protect children.

Members of the workgroup represent various professions and organizations including: Children's Administration; private child placing agencies who conduct domestic and international adoptions; the Office of the Attorney General; the court; public defense attorneys; the Governor's Office; researchers; and medical professionals. The workgroup conducted a thorough review of the adoption process with formal presentations discussing the following topics: Case Reviews of Incidents of Severe Abuse of Adopted Children & Common Elements; Legal Framework- International Convention, Federal and State Laws and Regulations Governing Adoptions and Child Placing Agencies; International Adoption Process; Domestic Adoption Process; Foster Care Adoption Process; Adoption Home Studies and Post Placement Reports; Medical Perspective on Child Maltreatment including Starvation; and a Summary of Research on Adoption Attachment and Abuse. Additionally, co-chairs Revels Robinson and Meinig met with representatives from private adoption agencies throughout the state. The final report and recommendations were submitted to the Governor in September 2012.

Report Recommendations

A review of current Washington State laws and agency regulations governing adoptions revealed a lack of depth and detail in many areas of the adoption process. For example, sections of the WAC regulating private adoption agencies address minimum requirements for adoption home studies and post-placement reports in a cursory manner, if at all. The report recommendations are grouped under the following categories:

- State Oversight of Child Placing Agencies;
- Assessing Prospective Adoptive Families; and
- Training and Post Adoption Support Services.

Implementation of most recommendations involves administrative regulations, or agency policies. However, a few recommendations require changes to state law and are addressed in this bill.

Key Provisions of HB 1675

HB 1675 contains five key provisions which will improve the adoption process:

1. Modifies qualifications for individual conducting home study or post-placement report*²

This bill eliminates the current provision in state law allowing the court to find that a person otherwise not meeting specific education and experience qualifications may conduct a homestudy or post placement report. This bill provides that "Individual approved by the court" or "qualified salaried court employee" means a person who has a master's degree in social work or a related field and one year of experience in social work, or a bachelor's degree and two years of experience in social work. Heightened requirements for individuals conducting homestudies or post-placement reports will help assure thorough, professional assessments of persons seeking to adopt a child.

2. Pre-placement and post-placement Reports must address disciplinary and punishment philosophies and practices

In many of the cases reviewed, the physical abuse and maltreatment of the child was described by the adoptive parent as a form of discipline or behavior modification. As provided in this bill, the initial homestudy and post-placement reports must specifically address the parents' attitude and philosophies towards child discipline and behavior management. A detailed understanding of the parents' approach to discipline and punishment is essential to match a child's specific circumstances and needs to the appropriate family.

² *Section of the bill revising qualifications for individuals conducting home studies was stricken.

3. Pre-placement reports shall include a background check of any prior pre-placement reports, whether complete or incomplete

The committee noted concerns over situations where an applicant begins a homestudy with one agency, and later initiates a new homestudy with a different agency in hopes of obtaining a favorable report. Because there is no record of an incomplete homestudy, the possibility of “forum shopping” for a positive report exists. This requirement, along with assuring that all reports are filed with the court, will prevent “forum shopping” and contribute to a full and accurate assessment of the applicant.

4. Reports not completed must be filed in accordance with state law

Washington state law requires that a pre-placement report, whether positive or negative, must be filed with the court.³ However, in practice, this does not always occur. Additionally, there is no record when an applicant withdraws from an adoption home study process with one agency prior to completion, and seeks another adoption home study from a different agency in hopes of obtaining a favorable report. Requiring that all reports, whether completed or incomplete, be filed with the court will help assure that relevant information is regarding the applicant is fully assessed.

5. Identifying, tracking, and reporting adoption disruption and dissolution

We don't know how often adoptions fail or the reasons why. In order to effectively address this issue, we need better data. Collecting this information will be challenging, as some adoptions are through private agencies and include both domestic and international adoptions, others are through private parties, while other adoptions are through the state child welfare agency. However, by directing the department to develop procedures to track this information, including reports from private adoption agencies, we will begin to have a better understanding of this issue.

Thank you for the opportunity to provide you with our testimony on this legislation.

³ RCW 26.33.190(5)