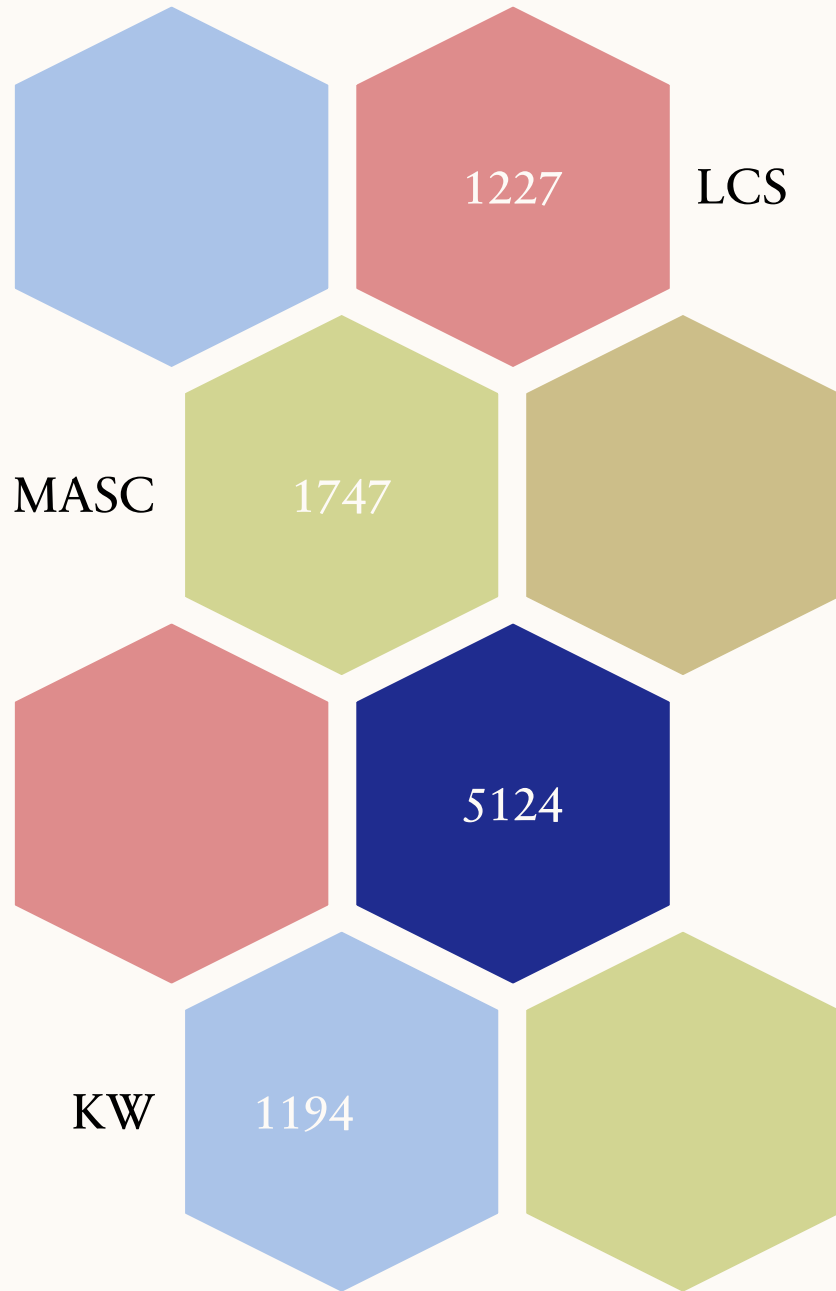


# **IMPLEMENTING HB 1747**

Tara Urs,  
King County DPD



# GUARDIANSHIP

**RCW 11.130**  
(UGA)

Review DCYF's Permanency  
Matrix:

**RCW 13.36**  
(Dependency  
Guardianship)

<https://www.dcyf.wa.gov/sites/default/files/forms/16-231.pdf>

Tony Corsentino received replies



**Tony Corsentino** @corsent · 20h

I think it's fascinating how "give the child a loving home" became so tightly bound with "erase the child's history."

18 76 464

Tony Corsentino and 5 others liked



**Severed Origins** @SeveredOrigins · 18h

I am the oldest of 7

But I was erased

Now only 6 are counted

[#adoption](#)

6 2 57

Angela Barra and 2 others liked



**Ande Stanley** @AndeStanley1 · 12h

"Adoption is good all around" No. No it is not. Guardianship should be an absolute last resort, rare occurrence. People should maintain their obcs, identities and extended kin and community relationships. [#adoption](#)  
[#adopteevoices](#)

# VOICES OF ADULT ADOPTEEES

# RELATIONAL PERMANENCY



**girlxadapted**  
@girlxadapted

Its convenient to believe adopted babies fall in love w/ their adopters at first sight, but that doesnt make it true. Evry relinquished child cries for their natural mother until giving up after accepting she isnt coming back. Evry relinquished child is a little bundle of trauma.

7:37 AM · 29 Apr 22 · [Twitter for iPhone](#)



**Ferera Swan**  
@FereraSwan

Adoption forces innocent, vulnerable human beings to play a lifetime of pretend and normalize the abnormal for everyone else's benefit while carrying trauma, pain, and grief inside their psyche, hearts, and bodies.

1/2

11:06 AM · 04 May 22 · [Twitter for iPhone](#)

30 Retweets 2 Quote Tweets 190 Likes



**Ferera Swan** @FereraSwan · 1d  
This same group of human beings are at least 4x more likely to attempt suicide than non-adopted people.



**tai-lynn**  
@tai\_askew

**#adoptees** say what they wanted most as kids was their natural kin. Kids would never tell their adopters this. This is b/c of a fear of any recreation of that traumatic loss, and basic survival dependence as a small child in the world. It's not cause they're fine. **#adopteetwitter**

4:26 AM · 30 Apr 22 · [Twitter for Android](#)

**Angry Adoptee Retweeted**



**seonju** 🌶️ 선주 @seonjusays · 18 Apr  
It's interesting how easily kids understand things that haven't been socially normalized yet. I was telling my 5yo about my adoption story, and being as neutral about it as possible. Still looks up at me at the end and says, so they kidnapped you.

11

40

299



**THE LAW  
CANNOT  
TELL US  
WHO WE  
ARE TO  
ONE  
ANOTHER**

Ashleigh Martell Brunsink

Being quickly pushed through a legal adoption without relational permanency may be akin to experiencing an arranged marriage between two individuals with no prior relationship.

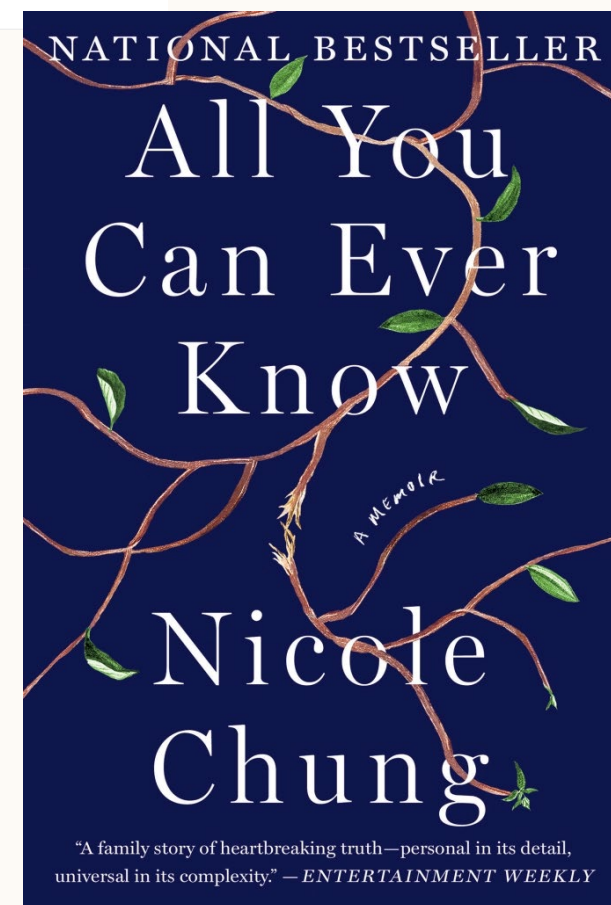
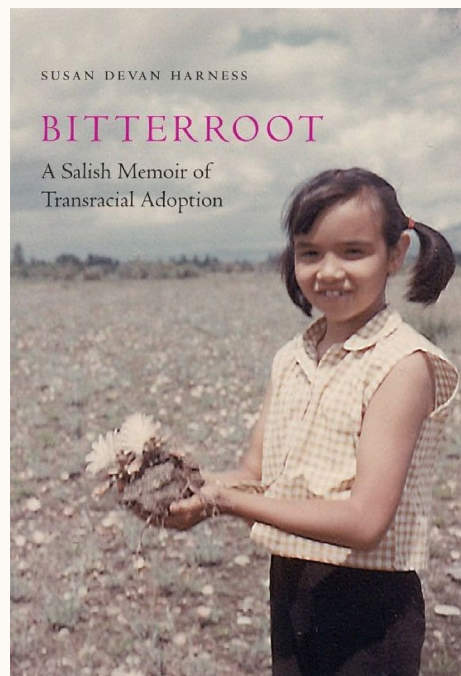
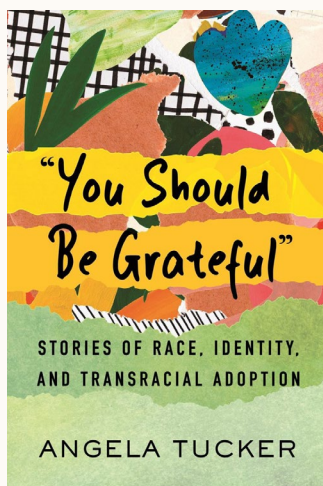
- **Legal and Relational Permanence in Older Foster Care Youths, Allison E. Thompson and Johanna K. P. Greeson, *Social Work Today*, Vol. 15 No. 4 P. 24**



# HARLOW'S MONKEY

AN UNAPOLOGETIC LOOK AT TRANSRACIAL AND TRANSNATIONAL ADOPTION

This is nothing new; many of us who speak up about adoption as differing from the "sparkles and sunshine" are often called "angry." It has been my experience lately that anything that is critical is mistaken for angry. I've been called an angry adoptee many times. And what I think is humorous about that label is I'm far from being "angry." Critical, yes. Unsentimental? Absolutely.



# ADOPTION OUTCOMES

**Children who experienced adoption are ~ 4 times as likely to have a reported suicide attempt.**

Margaret A. Keyes et al., "Risk of suicide attempt in adopted and nonadopted offspring." 132.4 *Pediatrics* , 639-646 (2013).

**Disproportionally large numbers of adoptees suffer eating disorders.**

(Strand et al., 2020). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7264708/>

**There is an increased risk of lifetime SUDs in adopted adults. Importantly, adoptees' odds ratios were high for both abuse and dependence (not just dependence alone).**

Yoon, Gihyun et al. "Substance use disorders and adoption: findings from a national sample." *PloS one* vol. 7,11 (2012): e49655. doi:10.1371/journal.pone.0049655

**One study showed that "children adopted from foster care, compared with children in foster care, have significantly higher odds of having some health problems."**

Kristin Turney and Christopher Wildeman, *Mental and physical health of children in foster care*, *Pediatrics* 138, no. 5 (2016).

**Research shows that *all* adopted children are at risk of elevated behavior problems and that adopted foster youth are more behaviorally impaired than non-foster adopted children.**

Cassandra Simmel, et al., *Adopted foster youths' psychosocial functioning: A longitudinal perspective*, *Child & Family Social Work* 12.4 (2007): 336-348.

**American Indian adoptees reported higher percentages of problems than white adoptees on all mental health problems measures (e.g., substance abuse, mental health, self-injury, and suicide). ...AI adoptees were more likely to report mental health problems, including alcohol addiction, alcohol recovery, drug recovery, self-assessed eating disorder, eating disorder diagnosis, self-harm, and suicidal ideation than were whites.**

Landers AL, Danes SM, Ingalls-Maloney K, White Hawk S., *American Indian and White Adoptees: Are There Mental Health Differences?* *Am Indian Alsk Native Ment Health Res.* 2017;24(2):54-75.



# DISRUPTION RATES

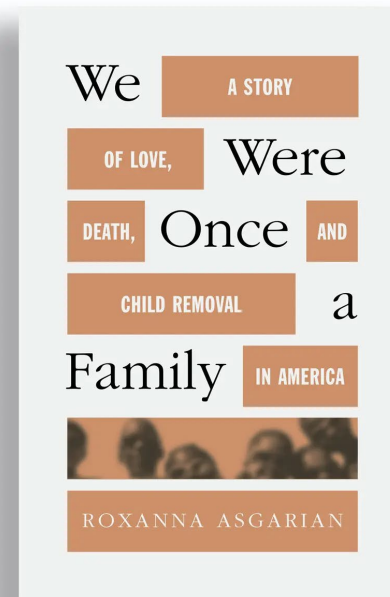
- Researchers estimate that between five and 20 percent of children and youth who exit to guardianship or adoption experience some form of instability.
- A study of adoptions and guardianships in Illinois tracked children for 10 years after placement finalization, with discontinuity rates as follows: 2 percent at 2 years, 6 percent at 5 years, and 11 percent at 10 years (Rolock & White, 2016).
- It is estimated that approximately 10 to 25 percent of adoptions disrupt prior to finalization (Goodwin & Madden, 2020)

<https://www.childwelfare.gov/topics/adoption/adopt-parenting/disruption/>

# HARMS IN ADOPTIVE HOMES

## WE WERE ONCE A FAMILY

*H.B.H. V. STATE*, 192 WN.2D 154, 160, 429 P.3D 484, 488 (2018)



The state recommended adoption in home in which it was later shown that the adoptive parents abused five girls physically, sexually, and psychologically, both before and after they were adopted.

# Texas couple arrested after adopted child found dead in washing machine, sheriff says

U.S. adoptive mother guilty of homicide in death of Ethiopian girl

Report: The victim, Troy Koehler, was adopted in 2019



Parents indicted for adopted child's 2016 death; 5 other kids found severely malnourished, abused

4-Year-Old Dies After Being Subjected to Exorcism and Other Abuse by Adoptive Parents, Authorities Say

## Questions Linger About Death of Former Megachurch Elder's 11-Year-Old Adopted Girl in Spring Valley

Homicide investigation underway after deputies say they suspected child abuse



# CB IM

“The most critical factors for consideration in permanency planning should be the safety of the family home and a child’s key attachments and *family connections*.

These factors, rather than the number of months spent in foster care, *or even a child’s new attachment to resource parents*, should drive permanency decisions.”

- ACYF-CB-IM-20-09 at Pg. 10

## RCW 13.34.145(7)

(b) ~~((If the department is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.))~~ Instruct the department to discuss guardianship as a permanent option for the child with the child's parents and caregiver as an alternative to termination of parental rights and adoption. No child who is placed with a relative or other suitable person may be moved, unless, pursuant to the criteria established in RCW 13.34.130, the court finds that a change in circumstances necessitates a change in placement.

## **RCW 13.34.145(5) – Good cause not to file a termination petition**

(vii) The department has not yet met with the caregiver for the child to discuss guardianship as an alternative to adoption or the court has determined that guardianship is an appropriate permanent plan.

## RCW 13.34.180 (termination statute)

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. In making this determination, the court must consider the efforts taken by the department to support a guardianship and whether a guardianship is available as a permanent option for the child. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her

# ELEMENT (F)



Presentation title





**BEFORE 1747**

“[T]HIS FACTOR IS MAINLY CONCERNED WITH THE CONTINUED EFFECT OF THE *LEGAL* RELATIONSHIP BETWEEN PARENT AND CHILD, AS AN OBSTACLE TO ADOPTION.” *IN RE DEPENDENCY OF A.C.*, 123 WASH.APP. 244, 250, 98 P.3D 89 (2004). THE STATE CAN PROVE THIS FACTOR BY SHOWING THAT “A PERMANENT HOME EXIST[S] BUT THE PARENT-CHILD RELATIONSHIP PREVENTS THE CHILD FROM OBTAINING THAT PLACEMENT.”  
*IN RE WELFARE OF R.H.*, 176 WASH.APP. 419, 428, 309 P.3D 620 (2013).

FIRST, '[T]HE STATE CAN PROVE PROSPECTS FOR A PERMANENT HOME EXIST BUT THE PARENT-CHILD RELATIONSHIP PREVENTS THE CHILD FROM OBTAINING THAT PLACEMENT. ALTERNATIVELY, THE STATE CAN PROVE THE PARENT-CHILD RELATIONSHIP HAS A DAMAGING AND DESTABILIZING EFFECT ON THE CHILD THAT WOULD NEGATIVELY IMPACT THE CHILD'S INTEGRATION INTO ANY PERMANENT AND STABLE PLACEMENT.' *IN RE WELFARE OF R.H.*, 176 WASH.APP. 419, 428, 309 P.3D 620 (2013) (CITATIONS OMITTED). BOTH WAYS OF PROVING ELEMENT (F) CONTEMPLATE THE AVAILABILITY OF A PERMANENT AND STABLE HOME FOR THE CHILD.

"THE FACT THAT J.F. HAS NOT YET BEEN PLACED IN A PROSPECTIVE ADOPTIVE HOME HAS NO BEARING ON WHETHER SUBSTANTIAL EVIDENCE SUPPORTS THE TRIAL COURT'S FINDING. IN RE DEPENDENCY OF J.A.F., 168 WN. APP. 653, 668–69, 278 P.3D 673, 682 (2012)

THEREFORE, DENYING A CONTINUANCE SOUGHT FOR THE PURPOSE OF EXPLORING A GUARDIANSHIP IS NOT A PER SE REVERSIBLE ERROR. HERE, THE JUVENILE COURT DID NOT ABUSE ITS DISCRETION BECAUSE (1) THERE WAS NO IDENTIFIED GUARDIAN, AND THEREFORE THERE WAS NO IDENTIFIED GUARDIANSHIP; AND (2) THE JUVENILE COURT'S DECISION WAS REASONABLE CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES. IN RE WELFARE OF N.M., 184 WN. APP. 665, 672, 346 P.3D 762, 765 (2014)



**IT'S A MESS**



## RCW 13.34.180 (termination statute)

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. In making this determination, the court must consider the efforts taken by the department to support a guardianship and whether a guardianship is available as a permanent option for the child. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her

# SUBSTANTIVE DUE PROCESS

- Is termination necessary?
- Is termination narrowly tailored?
- When a guardianship is available?
- What does available mean?
  - NOT that the current caregiver prefers adoption
  - NOT that certain financial benefits are available in adoption but not guardianship
  - A human being exists





A low-angle, close-up shot of a person's legs and feet walking on a dirt path through a forest. The person is wearing dark-colored trousers and red sneakers with white soles. The path is covered in dry leaves and pine needles, and the background is a soft-focus forest scene with sunlight filtering through the trees.

**THE LEGISLATURE IS  
BUILDING A PATHWAY  
TO GUARDIANSHIP**

# GUARDIANSHIP PATHWAY

1

## HB 1227 (2021)

- Requires courts place with a relative at shelter care unless relative presents imminent physical harm
- Creates an initial license process
- Requires the court to review licensure at disposition

2

## HB 1747 (2022)

- Made both forms of guardianship eligible for RGAP (relative guardianship assistance)
- Limited the ability of DCYF and Court to move children away from relative care

3

## SB 5124 (2023)

- Eliminated requirements for RGAP – creating GAP – case does not need to be IV-E eligible
- GAP is for now anyone licensed for 6 months



# THANK YOU

Tara Urs

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