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## Judiciary Committee

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### HB 1003

**Title:** An act relating to responsible parties for issuing notice and summons in proceedings involving the dissolution of ports and other districts and in dependency matters.

**Brief Description:** Providing notice and summons in proceedings involving the dissolution of ports and other districts and in dependency matters.

**Sponsors:** Representatives Warnick, O'Brien and Moeller.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Requires the petitioner in certain proceedings, instead of the court clerk, to provide notice of those proceedings.</li></ul>
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**Hearing Date:** 1/14/09

**Staff:** Trudes Tango (786-7384)

**Background:**

Generally the petitioner in a court action is responsible for providing notice of the action to the other parties. In certain circumstances, notice of an action may be by publication in a newspaper.

Dissolution of certain districts

There are specific procedures for dissolving certain districts, such as port districts, school districts, and water-sewer districts. The Board of Commissioners or other governing body of the district must file a petition with the superior court, and the court sets a hearing date. The statute requires the court clerk to give notice of the hearing by publication in a newspaper once a week for three weeks.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

If the court finds that the district is insolvent, the court must set a second hearing to determine ways of handling the district's indebtedness. The county clerk must give notice by publication of this second hearing as well.

#### Dependency petitions

Any person or the Department of Social and Health Services may file a petition with the court alleging that a child is dependent due to allegations of abuse or neglect. Upon filing the petition, the court clerk must send a notice to the child (if the child is 12 or older), the parents, guardian, or custodian, and any other person that may be necessary parties, requiring them to appear in court for the hearing on the dependency petition.

If the parent, guardian, or custodian is not a resident of the state or their whereabouts are unknown and service has been unsuccessful after due diligence, the court clerk must publish notice of the dependency hearing in the county newspaper where the parent, guardian, or custodian is believed to reside. The cost of publication is paid by the county.

#### **Summary of Bill:**

The Board of Commissioners or other governing body of the district, rather than the court clerk, must provide notice by publication of the hearing to dissolve the district.

The petitioner, rather than the county clerk, must send notice of the dependency hearing to the child, if appropriate, the parent, guardian, or custodian, and any other necessary party. In cases where the parent or guardian is not a resident of the state or their whereabouts are unknown, the petitioner, rather than the court clerk, must publish notice in the newspaper. The state must pay the cost of publication.

**Appropriation:** None.

**Fiscal Note:** Requested on January 6, 2009.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.