

HOUSE BILL REPORT

HB 2184

As Passed House
February 8, 1994

Title: An act relating to notice requirements for termination of parental rights.

Brief Description: Changing notice requirements for termination of parental rights.

Sponsors: Representatives Karahalios, Kessler, Eide, Lemmon and Chappell.

Brief History:

Reported by House Committee on:
Judiciary, February 1, 1994, DP;
Passed House, February 8, 1994, 94-0.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 15 members:
Representatives Appelwick, Chair; Johanson, Vice Chair;
Padden, Ranking Minority Member; Ballasiotes, Assistant
Ranking Minority Member; Campbell; Chappell; Eide; Forner;
J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

Staff: Pat Shelledy (786-7149).

Background: When a petition for termination of the parent-child relationship is filed in an adoption case in which a parent or alleged father has not executed a written consent to adoption, the court must set a hearing. Notice of the hearing must be served on the various parties. The notice must inform the nonconsenting parent or the alleged father that failure to respond to the termination action within 20 days of service will result in termination of the parent's parent-child relationship.

Petitions must be served in the same manner as a complaint in a civil action under the Superior Court Civil Rules. Civil rule 4 provides that, unless a statute or rule provides for a different time requirement, the summons shall require the defendant to serve a copy of the defense within 20 days after service of the summons.

If personal service on the parent or alleged father is not obtained, the notice must be given by registered mail and by

publication. Publication must be in a legal newspaper in the city or town of the last known address of the parent or alleged father. If no address is known, or the last known address is not within the United States and its territories, publication must be in a newspaper in the city or town where the proceeding has been commenced.

Summary of Bill: The notice of the filing of a petition for termination of the parent-child relationship must notify the parent that the 20-day response time applies whether the parent lives within or outside the state of Washington.

Statutory rules concerning personal service of the notice of the petition and hearing to terminate parental rights are amended. If personal service is obtained on any parent or alleged father who has not consented to the termination of parental rights, the summons and notice of the hearing on the petition must be served at least 20 days before the hearing date, whether the parent lives within or outside the state.

If personal service is not obtained, notice must be given by first class as well as registered mail.

If personal service is not obtained and no address is known, publication must be in the city or town of the parent's last known whereabouts within the United States and its territories.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will expedite the termination process while increasing protection to all parties by clarifying the requirements concerning notification.

Testimony Against: Twenty days is not long enough to respond to the notice.

Witnesses: Representative Sue Karahalios, prime sponsor (pro); Laurie Lippold, Children's Alliance (pro); Mark Demaray, Washington State Adoption Council (pro); Dini Duclos, Medina Children's Services (pro); and Bob Ryan (pro, with concerns).