

# HOUSE BILL REPORT

## HB 1097

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**As Passed House**

January 12, 1998

**Title:** An act relating to publication of notice in dependency cases.

**Brief Description:** Revising requirements for publication of notice in dependency cases.

**Sponsors:** Representatives Costa, Sheahan, Scott and Hatfield.

**Brief History:**

**Committee Activity:**

Law & Justice: 1/29/97, 1/31/97 [DP].

**Floor Activity:**

Passed House: 2/21/97, 96-0;

Passed House: 1/12/98, 93-0.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 12 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lantz; Radcliff; Sherstad and Skinner.

**Staff:** Edie Adams (786-7180).

**Background:** A dependent child is a child who has been abandoned, is abused or neglected by a person legally responsible for the child's care, has no parent or guardian capable of providing care resulting in a danger to the child's psychological or physical development, or has a developmental disability and whose parent or guardian cannot provide needed services in the home.

Any person may file a petition with the superior court alleging that a child is a dependent child. The court clerk must issue a summons to the child's parent, guardian, or custodian requiring the parent, guardian, or custodian to appear at the hearing on the dependency petition. The summons must be personally served, or if personal service is not possible, the summons may be served by certified mail.

If the parent or legal guardian of the child is a nonresident, or the location of the parent or legal guardian is not known, or the clerk is unsuccessful in personally serving the summons, the clerk must publish notice of the summons in a legal

newspaper in the county where the petition is filed and the county where the parent or legal guardian is believed to be located. The summons must be published once a week for three consecutive weeks.

**Summary of Bill:** Publication of the summons directed at the parent or legal guardian of a child in a dependency case must be made once a week for two consecutive weeks in the county where the dependency petition is filed. If the parent or legal guardian is believed to reside outside the state or outside the county where the petition is filed, the court may, but is not required to, order that the publication of the summons be made in the county where the parent or legal guardian is believed to be located.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill is a cost saver for the courts. The sad fact is that when a parent or guardian is unavailable, it is usually because the person doesn't want to be involved. Publication is not successful in locating parents.

**Testimony Against:** None.

**Testified:** Siri Woods, Washington Association of County Clerks (pro); and Debbie Wilke, Washington Association of County Officials (pro).