

# SENATE BILL REPORT

## HB 1097

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As of January 14, 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: 4/1/97; 1/16/98.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** David Johnson (786-7754)

**Background:** A dependent child— means a child: (1) who has been abandoned; (2) who is abused or neglected by a person who is legally responsible for the care of the child; (3) who has no parent, guardian, or custodian capable of adequately caring for the child such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or (4) who has a developmental disability and whose parent, guardian or legal custodian, together with the department, determines that services appropriate to the child's needs cannot be provided 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.