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HOUSE BILL 1097

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Costa, Sheahan, Scott and Hatfield

Read first time 01/14/97. Referred to Committee on Law & Justice.

1            AN ACT Relating to publication of notice in dependency cases; and  
2 amending RCW 13.34.080.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 13.34.080 and 1990 c 246 s 3 are each amended to read  
5 as follows:

6            In a dependency case where it appears by the petition or verified  
7 statement, that the person standing in the position of natural or legal  
8 guardian of the person of any child, is a nonresident of this state, or  
9 that the name or place of residence or whereabouts of such person is  
10 unknown, as well as in all cases where, after due diligence, the  
11 officer has been unable to make service of the summons or notice  
12 provided for in RCW 13.34.070, and a copy of the notice has been  
13 deposited in the post office, postage prepaid, directed to such person  
14 at his last known place of residence, the court shall direct the clerk  
15 to publish notice in a legal newspaper printed in the county, qualified  
16 to publish summons, once a week for (~~three~~) two consecutive weeks,  
17 with the first publication of the notice to be at least twenty-five  
18 days prior to the date fixed for the hearing. If the parent, guardian,  
19 or legal custodian is believed to be a resident of another state or a

1 county other than the county in which the petition has been filed, the  
2 court may order that the notice also (~~shall~~) be published in the  
3 county in which the parent, guardian, or legal custodian is believed to  
4 reside. Additionally, publication may proceed simultaneously with  
5 efforts to provide personal service or service by mail for good cause  
6 shown, when there is reason to believe that personal service or service  
7 by mail will not be successful. Such notice shall be directed to the  
8 parent, parents, or other person claiming the right to the custody of  
9 the child, if their names are known, or if unknown, the phrase "To whom  
10 it may concern" shall be used and apply to, and be binding upon, any  
11 such persons whose names are unknown. The name of the court, the name  
12 of the child (or children if of one family), the date of the filing of  
13 the petition, the date of hearing, and the object of the proceeding in  
14 general terms shall be set forth, and the whole shall be subscribed by  
15 the clerk. There shall be filed with the clerk an affidavit showing  
16 due publication of the notice, and the cost of publication shall be  
17 paid by the county at not to exceed the rate paid by the county for  
18 other legal notices. The publication of notice shall be deemed  
19 equivalent to personal service upon all persons, known or unknown, who  
20 have been designated as provided in this section.

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