
HOUSE BILL 2949

State of Washington

58th Legislature

2004 Regular Session

By Representatives Pettigrew, McCoy, Sump, Morrell, Santos, Cairnes, Linville, Morris, Simpson, D., Sullivan, Rockefeller, Kenney and Kagi

Read first time 01/23/2004. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to revising notice provisions for third party
2 custody petitions involving the Indian child welfare act; and amending
3 RCW 26.10.034.

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

5 **Sec. 1.** RCW 26.10.034 and 2003 c 105 s 7 are each amended to read
6 as follows:

7 (1)(a) Every petition filed in proceedings under this chapter shall
8 contain a statement alleging whether the child is or may be an Indian
9 child as defined in 25 U.S.C. Sec. 1903. If the child is an Indian
10 child as defined under the Indian child welfare act, the provisions of
11 the act shall apply.

12 (b) Whenever the court or the petitioning party in a third party
13 custody proceeding knows or has reason to know that an Indian child is
14 involved, the petitioning party must promptly provide notice to the
15 child's parent or Indian custodian and to the agent designated by the
16 child's Indian tribe to receive such notices. Notice shall be by
17 registered mail with return receipt requested. If the identity or
18 location of the parent or Indian custodian and the tribe cannot be
19 determined, notice shall be given to the secretary of the interior by

1 registered mail with return receipt requested. If the child may be a
2 member of more than one tribe, the petitioning party shall notify the
3 tribe that has more significant contacts with the child, as determined
4 by the court based on the Indian child welfare act.

5 (c) The notice shall: (i) Contain a statement notifying the parent
6 or custodian and the tribe of the pending proceeding; and (ii) notify
7 the tribe of the tribe's right to intervene and/or request that the
8 case be transferred to tribal court.

9 (2) Every order or decree entered in any proceeding under this
10 chapter shall contain a finding that the Indian child welfare act does
11 or does not apply. Where there is a finding that the Indian child
12 welfare act does apply, the decree or order must also contain a finding
13 that all notice requirements and evidentiary requirements under the
14 Indian child welfare act have been satisfied.

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