
Civil Rights & Judiciary Committee

HB 1205

Brief Description: Responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases.

Sponsors: Representatives Taylor, Reed and Senn.

Brief Summary of Bill

- Provides that in a child dependency or termination of parental rights proceeding, the petitioner, rather than the court clerk, is responsible for publishing notice in a legal newspaper where notice by publication is required.

Hearing Date: 1/24/23

Staff: Edie Adams (786-7180).

Background:

Under child dependency laws, any person or the Department of Children, Youth, and Families (DCYF) may file a petition with the court alleging that a child is dependent due to alleged abuse or neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. A court will hold a shelter care hearing within 72 hours of the child's removal and determine if the child can return home. If the child remains out of the home, a dependency fact-finding hearing is held. If the child is found to be dependent, the court will conduct periodic reviews. During this court process, a social worker will provide services to the family and assist the child in reunification and permanency efforts. Under certain circumstances after a dependent child has been removed from the custody of a parent for at least six months, a petition may be filed seeking termination of parental rights.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

After filing a dependency or termination petition, the petitioner (typically the DCYF) must issue a summons to the child if the child is 12 years old or older, and another summons to the parents, guardian, or custodian, and other necessary parties, requiring them to appear personally for the hearing on the petition. If the party is within the state, the summons must be personally served on the party, or if personal service is not possible, the summons may be served by certified mail. If a party is without the state but can be found or the address is known, service of the summons may be made either by delivering a copy to the party personally or by certified mail.

Notice of the petition is provided by publication when there is a petition or verified statement that:

- the parent or guardian does not reside in the state or the whereabouts of the parent is unknown; and
- after due diligence, the person attempting service has been unable to make service, and a copy of the notice has been sent by mail to the person's last known place of residence.

In these circumstances, the court must direct the clerk to publish the notice in a legal newspaper printed in the county that is qualified to publish summons. The notice must be published once a week for three consecutive weeks, and the first publication must be at least 25 days before the hearing date. The cost of publication is paid by the county.

Summary of Bill:

In a dependency or termination of parental rights proceeding where notice by publication is required, the petitioner, rather than the clerk of court, is responsible for publishing notice of the petition and hearing date in a legal newspaper once a week for three consecutive weeks. The petitioner must pay for the cost of publication. The requirement that the publication be in a legal newspaper "printed in the county" is eliminated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.