

SENATE BILL REPORT

2SHB 1205

As of February 16, 2024

Title: An act relating to responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases.

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

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Taylor, Reed and Senn).

Brief History: Passed House: 2/12/24, 97-0.

Committee Activity: Law & Justice: 2/16/24.

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.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: William Bridges (786-7312)

Background: In proceedings (1) alleging a child is dependent and should be placed in the custody of the Department of Children, Youth, and Families (DCYF), or (2) terminating parental rights, the information about the time and location of the court hearing is set forth in a summons. If the parent or guardian does not reside in the state or is in an unknown location, the court must direct the clerk to publish the notice in a legal newspaper printed in the county. 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.

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.

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. If the petitioner is a minor the Office of Civil Legal Aid (OCLA) must pay for or reimburse the publication costs, and if the petitioner is an indigent parent or legal guardian, the Office of Public Defense (OPD) must pay for or reimburse the publication costs. The requirement that the publication be in a legal newspaper printed in the county is eliminated.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2024.

Staff Summary of Public Testimony: PRO: County clerks are not parties to dependency or termination proceedings so they should not be required to pay for the publication notices. Publication is already handled by the AG in 13 counties; this should be the case in all counties. Having a party prepare and pay for the publication notices will reduce the likelihood of errors, improve coordination across the state, and reduce costs and legal risks for county clerks.

OTHER: The bill does not help pro se petitioners or undocumented youth. The reimbursement process does not work for those who cannot pay upfront for publication.

Persons Testifying: PRO: Representative Jamila Taylor, Prime Sponsor; Lisa Henderson, Washington State Association of County Clerks.

OTHER: Chach Duarte White, Legal Counsel for Youth and Children (LCYC).

Persons Signed In To Testify But Not Testifying: No one.