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SECOND SUBSTITUTE HOUSE BILL 1205

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State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Taylor, Reed, and Senn)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to responsibility for providing service by  
2 publication of a summons or notice in dependency and termination of  
3 parental rights cases; amending RCW 13.34.080; creating a new  
4 section; and providing an effective date.

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

6 **Sec. 1.** RCW 13.34.080 and 2000 c 122 s 9 are each amended to  
7 read as follows:

8 (1) The court shall direct the (~~clerk~~) petitioner to publish  
9 notice in a legal newspaper (~~(printed in the county, qualified to~~  
10 ~~publish summons)~~), as described under RCW 65.16.020, once a week for  
11 three consecutive weeks, with the first publication of the notice to  
12 be at least twenty-five days prior to the date fixed for the hearing  
13 when it appears by the petition or verified statement that:

14 (a) (i) The parent or guardian is a nonresident of this state; or

15 (ii) The name or place of residence or whereabouts of the parent  
16 or guardian is unknown; and

17 (b) After due diligence, the person attempting service of the  
18 summons or notice provided for in RCW 13.34.070 has been unable to  
19 make service, and a copy of the notice has been deposited in the post  
20 office, postage prepaid, directed to such person at his or her last  
21 known place of residence. If the parent, guardian, or legal custodian

1 is believed to be a resident of another state or a county other than  
2 the county in which the petition has been filed, notice also shall be  
3 published in the county in which the parent, guardian, or legal  
4 custodian is believed to reside.

5 (2) Publication may proceed simultaneously with efforts to  
6 provide service in person or by mail, when the court determines there  
7 is reason to believe that service in person or by mail will not be  
8 successful. Notice shall be directed to the parent, parents, or other  
9 person claiming the right to the custody of the child, if their names  
10 are known. If their names are unknown, the phrase "To whom it may  
11 concern" shall be used, apply to, and be binding upon, those persons  
12 whose names are unknown. The name of the court, the name of the child  
13 (or children if of one family), the date of the filing of the  
14 petition, the date of hearing, and the object of the proceeding in  
15 general terms shall be set forth. There shall be filed with the clerk  
16 an affidavit showing due publication of the notice. ((The))

17 (3) (a) Except as provided in (b) of this subsection, the cost of  
18 publication shall be paid by the ((county)) petitioner at a rate not  
19 greater than the rate paid for other legal notices.

20 (b) If the petitioner is a minor child or the court finds that  
21 the petitioner is an indigent parent or legal guardian, the cost of  
22 publication shall be paid or reimbursed by the office of civil legal  
23 aid where the petitioner is a minor child, or the office of public  
24 defense where the petitioner is a parent or legal guardian, pursuant  
25 to procedures set by each agency.

26 (4) The publication of notice shall be deemed equivalent to  
27 personal service upon all persons, known or unknown, who have been  
28 designated as provided in this section.

29 NEW SECTION. Sec. 2. If specific funding for the purposes of  
30 this act, referencing this act by bill or chapter number, is not  
31 provided by June 30, 2023, in the omnibus appropriations act, this  
32 act is null and void.

33 NEW SECTION. Sec. 3. This act takes effect January 1, 2024.

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