
Judiciary Committee

HB 2466

Title: An act relating to county clerk duties.

Brief Description: Modifying duties of county clerks.

Sponsors: Representatives Warnick and O'Brien.

| Brief Summary of Bill |
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| <ul style="list-style-type: none">• Requires the petitioner in certain court proceedings, instead of the court clerk, to provide notice by publication of those proceedings. |
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Hearing Date: 1/15/08

Staff: Trudes Tango (786-7384).

Background:

Generally the petitioner in a court action is responsible for providing notice of the action to the other parties. In certain circumstances, notice of an action may be by publication in a newspaper.

Dissolution of certain districts

There are specific procedures for dissolving certain districts, such as port districts, school districts, water-sewer districts and other similar districts. The Board of Commissioners (Board) or other governing body of the district must file a petition with the superior court of the county in which the Board is situated. The court sets a hearing date and the court clerk must give notice of the hearing by publication in a newspaper of general circulation where the district is located.

At the hearing, if the court finds that the district is insolvent, the court must set a second hearing to determine ways of handling the district's indebtedness. The county clerk must give notice by publication of this second hearing as well.

Dependency petitions

Any person or the Department of Social and Health Services (DSHS) may file a petition with the court alleging that a child is dependent due to allegations of abuse or neglect. The court clerk

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must issue a summons to the child's parents, guardian, or custodian, requiring them to appear in court for the hearing on the dependency petition.

When the parent, guardian, or custodian is not a resident of the state or their whereabouts are unknown and service has been unsuccessful after due diligence, the court clerk must publish notice of the dependency hearing in the county newspaper where the parent, guardian, or custodian is believed to reside. The cost of publication is paid by the county.

Summary of Bill:

The Board of Commissioners or other governing body of the district, rather than the court clerk, must provide notice by publication of the hearing to dissolve the district.

The DSHS, rather than the county clerk, must publish the notice of the dependency petition when the parent or guardian is not a resident of the state or their whereabouts are unknown and service has been unsuccessful after due diligence. The state must pay the cost of publication.

Appropriation: None.

Fiscal Note: Requested on 1/10/08.

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