
HOUSE BILL 1802

State of Washington

54th Legislature

1995 Regular Session

By Representatives Cooke, Lambert, Stevens, Thompson, Padden and Kessler

Read first time 02/08/95. Referred to Committee on Children & Family Services.

1 AN ACT Relating to adoption; and amending RCW 26.33.110, 26.33.310,
2 and 26.33.260.

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

4 **Sec. 1.** RCW 26.33.110 and 1987 c 170 s 5 are each amended to read
5 as follows:

6 (1) The court shall set a time and place for a hearing on the
7 petition for termination of the parent-child relationship, which shall
8 not be held sooner than forty-eight hours after the child's birth.
9 However, if the child is an Indian child, the hearing shall not be held
10 sooner than ten days after the child's birth and the time of the
11 hearing shall be extended up to twenty additional days from the date of
12 the scheduled hearing upon the motion of the parent, Indian custodian,
13 or the child's tribe.

14 (2) Notice of the hearing shall be served on the petitioner, the
15 nonconsenting parent or alleged father, the legal guardian of a party,
16 and the guardian ad litem of a party, in the manner prescribed by RCW
17 26.33.310. If the child is an Indian child, notice of the hearing
18 shall also be served on the child's tribe in the manner prescribed by
19 25 U.S.C. Sec. 1912(a).

1 (3) Except as otherwise provided in this section, the notice of the
2 petition shall:

3 (a) State the date and place of birth. If the petition is filed
4 prior to birth, the notice shall state the approximate date and
5 location of conception of the child and the expected date of birth, and
6 shall identify the mother;

7 (b) Inform the nonconsenting parent or alleged father that: (i) He
8 or she has a right to be represented by counsel and that counsel will
9 be appointed for an indigent person who requests counsel; and (ii)
10 failure to respond to the termination action within twenty days of
11 service, whether within or outside of this state, will result in the
12 termination of his or her parent-child relationship with respect to the
13 child;

14 (c) Inform an alleged father that failure to file a claim of
15 paternity under chapter 26.26 RCW or to respond to the petition, within
16 twenty days of the date of service of the petition is grounds to
17 terminate his parent-child relationship with respect to the child;

18 (d) Inform an alleged father of an Indian child that if he
19 acknowledges paternity of the child or if his paternity of the child is
20 established prior to the termination of the parent-child relationship,
21 that his parental rights may not be terminated unless he: (i) Gives
22 valid consent to termination, or (ii) his parent-child relationship is
23 terminated involuntarily pursuant to chapter 26.33 or 13.34 RCW.

24 **Sec. 2.** RCW 26.33.310 and 1987 c 170 s 9 are each amended to read
25 as follows:

26 (1) Petitions governed by this chapter shall be served in the
27 ~~((same))~~ manner as ~~((a complaint in a civil action under))~~ set forth in
28 the superior court civil rules. Subsequent notice, papers, and
29 pleadings may be served in the manner provided in superior court civil
30 rules.

31 (2) If personal service on any parent or alleged father who has not
32 consented to the termination of his or her parental rights can be
33 given, the summons and notice of hearing on the petition to terminate
34 parental rights, within or without this state, shall be served at least
35 twenty days before the hearing date.

36 (3) If personal service on the parent or any alleged father, either
37 within or without this state, cannot be given, notice shall be given:

38 (a) By first class and registered mail, mailed at least twenty days

1 before the hearing to the person's last known address; and (b) by
2 publication at least once a week for three consecutive weeks with the
3 first publication date at least twenty-five days before the hearing.
4 Publication shall be in a legal newspaper in the city or town of the
5 last known address within the United States and its territories of the
6 parent or alleged father, whether within or without this state, or, if
7 no address is known to the petitioner, publication shall be in the city
8 or town of the last known whereabouts within the United States and its
9 territories; or if no address or whereabouts are known to the
10 petitioner or the last known address is not within the United States
11 and its territories, in the city or town where the proceeding has been
12 commenced.

13 (3) Notice and appearance may be waived by the department, an
14 agency, a parent, or an alleged father before the court or in a writing
15 signed under penalty of perjury. The waiver shall contain the current
16 address of the department, agency, parent, or alleged father. The face
17 of the waiver for a hearing on termination of the parent-child
18 relationship shall contain language explaining the meaning and
19 consequences of the waiver and the meaning and consequences of
20 termination of the parent-child relationship. A person or agency who
21 has executed a waiver shall not be required to appear except in the
22 case of an Indian child where consent to termination or adoption must
23 be certified before a court of competent jurisdiction pursuant to 25
24 U.S.C. Sec. 1913(a).

25 (4) If a person entitled to notice is known to the petitioner to be
26 unable to read or understand English, all notices, if practicable,
27 shall be given in that person's native language or through an
28 interpreter.

29 (5) Where notice to an Indian tribe is to be provided pursuant to
30 this chapter and the department is not a party to the proceeding,
31 notice shall be given to the tribe at least ten business days prior to
32 the hearing by registered mail return receipt requested.

33 **Sec. 3.** RCW 26.33.260 and 1984 c 155 s 26 are each amended to read
34 as follows:

35 (1) The entry of a decree of adoption divests any parent or alleged
36 father who is not married to the adoptive parent or who has not joined
37 in the petition for adoption of all legal rights and obligations in
38 respect to the adoptee, except past-due child support obligations. The

1 adoptee shall be free from all legal obligations of obedience and
2 maintenance in respect to the parent. The adoptee shall be, to all
3 intents and purposes, and for all legal incidents, the child, legal
4 heir, and lawful issue of the adoptive parent, entitled to all rights
5 and privileges, including the right of inheritance and the right to
6 take under testamentary disposition, and subject to all the obligations
7 of a natural child of the adoptive parent.

8 (2) Any appeal of an adoption decree shall be decided on an
9 accelerated review basis.

10 (3) Except as otherwise provided in RCW 26.33.160(3) and (4)(h), no
11 person may challenge an adoption decree more than thirty days after it
12 is entered even if:

13 (a) A person claiming or alleging paternity subsequently appears
14 and alleges lack of prior notice of the proceeding; or

15 (b) The adoption proceedings were in any other manner defective.

16 (4) It is the intent of the legislature that this section provide
17 finality for adoptive placements and stable homes for children.

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