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**Juvenile Justice & Family Law  
Committee**

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**SB 5053**

**Brief Description:** Authorizing service by publication in actions to establish or modify parenting plans, for legal separation or invalidity of marriage, and for nonparental custody.

**Sponsors:** Senators Kline and Johnson.

**Brief Summary of Bill**

- Authorizes service by publication in an establishment or modification of a parenting plan, in a legal separation or declaration of invalidity proceeding, and in a non-parental custody action where the child is in the physical custody of the petitioning party.

**Hearing Date:** 3/18/05

**Staff:** Kara Durbin (786-7133).

**Background:**

In order to properly institute a lawsuit, a plaintiff must notify the respondent of the commencement of the suit by delivering a copy of the summons and petition. This is called service of process. Personal service is accomplished by either delivering a copy of the summons and petition to the respondent personally, or by leaving the documents at the respondent's home with a person of suitable age and discretion. Constructive service of process may be used when all attempts at personal service of process have failed in spite of due diligence. If authorized by the court, constructive service of process may be conducted by mail, or by publication.

Service by publication in divorce proceedings is permissible when the respondent cannot be located and personally served. The summons must be published in a newspaper of general circulation in the county where the action is brought once a week for six consecutive weeks.

**Summary of Bill:**

Services by publication is extended to the following types of family law proceedings:

- a) Establishment or modification of a parenting plan or residential schedule;
- b) Legal separation;
- c) Declaration of invalidity; and
- d) Non-parental custody actions where the child is in the physical custody of the petitioning party.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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