
Human Services & Early Learning Committee

HB 2260

Brief Description: Concerning the publication of notice for dependency proceedings.

Sponsors: Representatives Griffey, Cody, Appleton and Tharinger.

Brief Summary of Bill

- Replaces the court clerk with the Department of Children, Youth, and Families as the entity responsible for publishing notice in a dependency or termination of parental rights proceeding when the parent or guardian is a nonresident of the state or the parent or guardian's whereabouts are unknown and the petitioner has been unable to make service after due diligence.

Hearing Date: 1/14/20

Staff: Luke Wickham (786-7146).

Background:

Dependency Court Process.

Anyone, including the Department of Children, Youth, and Families (DCYF), may file a petition in court alleging that a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. A court will hold a shelter care hearing within 72 hours of the child's removal and determine if the child can return home. If the child remains out of the home, there will be a dependency fact-finding hearing within 75 days of the filing of the petition. If the child is found to be dependent, the court will conduct periodic reviews. During this court process, a Child and Family Welfare Services social worker will provide services to the family and assist the child in reunification and permanency efforts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under certain circumstances after a child has been removed from the custody of a parent for at least six months pursuant to a finding of dependency, a petition may be filed seeking termination of parental rights.

Notification of Dependency or Termination Petition.

Generally, after filing a dependency or termination petition, the petitioner (typically the DCYF) must issue a summons to the child, if the child is 12 years old or older, and another summons to the parents, guardian, or custodian, and other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally for the court hearing on the petition. A copy of the petition must be attached to each summons, along with other information about the court process. If the party to be served with this summons can be found within the state, the summons must be personally served on that party at least 15 court days before the fact-finding hearing. If the party is within the state and cannot be personally served, but the person's address is known, the summons may be served by certified mail.

The court is required to direct the clerk to publish notice in a legal newspaper printed in the county qualified to publish summons and the county where the person is believed to reside, once a week for three consecutive weeks, with the first publication at least 25 days before the hearing date when there is a petition or verified statement that:

- the parent or guardian does not reside in the state or the whereabouts of the parent is unknown; and
- after due diligence, the person attempting service of the summons or notice has been unable to make service, and the copy of the notice has been deposited in the post office directed to such person at his or her last known place of residence.

Summary of Bill:

If a parent or guardian is a nonresident of the state or the place of residence or whereabouts of the parent or guardian is unknown in a dependency or termination of parental rights proceeding and after due diligence the petitioner has been unable to make service, the court shall direct the DCYF instead of the court clerk to publish notice of the petition in a legal newspaper once a week for three consecutive weeks. The DCYF must also pay for the cost of publication for this notice.

Appropriation: None.

Fiscal Note: Requested on January 7, 2020.

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