
HOUSE BILL 1807

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Appelwick, Winsley, D. Sommers, Paris, Miller, Riley, Brough, Silver, Forner, Holland, Broback, Fraser and Moyer.

Read first time February 11, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to service of summons by publication for collection
2 of child support; and amending RCW 4.28.100.

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

4 **Sec. 1.** RCW 4.28.100 and 1981 c 331 s 13 are each amended to read
5 as follows:

6 When the defendant cannot be found within the state, and upon the
7 filing of an affidavit of the plaintiff, his or her agent, or attorney,
8 with the clerk of the court, stating that he or she believes that the
9 defendant is not a resident of the state, or cannot be found therein,
10 and that he or she has deposited a copy of the summons (substantially
11 in the form prescribed in RCW 4.28.110) and complaint in the post
12 office, directed to the defendant at his or her place of residence,
13 unless it is stated in the affidavit that such residence is not known
14 to the affiant, and stating the existence of one of the cases
15 hereinafter specified, the service may be made by publication of the

1 summons, by the plaintiff or his or her attorney in any of the
2 following cases:

3 (1) When the defendant is a foreign corporation, and has property
4 within the state;

5 (2) When the defendant, being a resident of this state, has
6 departed therefrom with intent to defraud his or her creditors, or to
7 avoid the service of a summons, or keeps himself or herself concealed
8 therein with like intent;

9 (3) When the defendant is not a resident of the state, but has
10 property therein and the court has jurisdiction of the subject of the
11 action;

12 (4) When the action is for divorce in the cases prescribed by law;

13 (5) When the defendant, being a resident of this state, is a parent
14 of children who reside in this state, has departed from the state with
15 the intent to avoid paying child support, or to avoid the service of a
16 summons of a complaint seeking child support, or keeps concealed in the
17 state with the intent to avoid service or paying child support;

18 (6) When the subject of the action is real or personal property in
19 this state, and the defendant has or claims a lien or interest, actual
20 or contingent, therein, or the relief demanded consists wholly, or
21 partly, in excluding the defendant from any interest or lien therein;

22 ~~((+6))~~ (7) When the action is to foreclose, satisfy, or redeem
23 from a mortgage, or to enforce a lien of any kind on real estate in the
24 county where the action is brought, or satisfy or redeem from the same;

25 ~~((+7))~~ (8) When the action is against any corporation, whether
26 private or municipal, organized under the laws of the state, and the
27 proper officers on whom to make service do not exist or cannot be
28 found;

29 ~~((+8))~~ (9) When the action is brought under RCW 4.08.160 and
30 4.08.170 to determine conflicting claims to property in this state.