
SENATE BILL 6521

State of Washington

53rd Legislature

1994 Regular Session

By Senators McAuliffe, Owen, Roach, Prentice, Hargrove and M. Rasmussen

Read first time 01/26/94. Referred to Committee on Health & Human Services.

1 AN ACT Relating to notice requirements for termination of parental
2 rights; and amending RCW 26.33.110 and 26.33.310.

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 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 this section and as set forth in the superior court civil rules.
29 Subsequent notice, papers, and pleadings may be served in the manner
30 provided in superior court civil 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 outside 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, publication shall be in the city or town of the
8 last known whereabouts within the United States and its territories; or
9 if no address or whereabouts are known or the last known address is not
10 within the United States and its territories, in the city or town where
11 the proceeding has been commenced.

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

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

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

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