

2 SHB 1802 - S COMM AMD

3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 26.33.110 and 1987 c 170 s 5 are each amended to read  
8 as follows:

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

17 (2) Notice of the hearing shall be served on the petitioner, the  
18 nonconsenting parent or alleged father, the legal guardian of a party,  
19 and the guardian ad litem of a party, in the manner prescribed by RCW  
20 26.33.310. If the child is an Indian child, notice of the hearing  
21 shall also be served on the child's tribe in the manner prescribed by  
22 25 U.S.C. Sec. 1912(a).

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

25 (a) State the date and place of birth. If the petition is filed  
26 prior to birth, the notice shall state the approximate date and  
27 location of conception of the child and the expected date of birth, and  
28 shall identify the mother;

29 (b) Inform the nonconsenting parent or alleged father that: (i) He  
30 or she has a right to be represented by counsel and that counsel will  
31 be appointed for an indigent person who requests counsel; and (ii)  
32 failure to respond to the termination action within twenty days of  
33 service if served within the state or thirty days if served outside of  
34 this state, will result in the termination of his or her parent-child  
35 relationship with respect to the child;

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

5 (d) Inform an alleged father of an Indian child that if he  
6 acknowledges paternity of the child or if his paternity of the child is  
7 established prior to the termination of the parent-child relationship,  
8 that his parental rights may not be terminated unless he: (i) Gives  
9 valid consent to termination, or (ii) his parent-child relationship is  
10 terminated involuntarily pursuant to chapter 26.33 or 13.34 RCW.

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

13 (1) Petitions governed by this chapter shall be served in the  
14 ((same)) manner as ((a complaint in a civil action under)) set forth in  
15 the superior court civil rules. Subsequent notice, papers, and  
16 pleadings may be served in the manner provided in superior court civil  
17 rules.

18 (2) If personal service on any parent or alleged father who has not  
19 consented to the termination of his or her parental rights can be  
20 given, the summons and notice of hearing on the petition to terminate  
21 parental rights shall be served at least twenty days before the hearing  
22 date if served within the state or thirty days if served outside of  
23 this state.

24 (3) If personal service on the parent or any alleged father, either  
25 within or without this state, cannot be given, notice shall be given:  
26 (a) By first class and registered mail, mailed at least ((twenty))  
27 thirty days before the hearing to the person's last known address; and  
28 (b) by publication at least once a week for three consecutive weeks  
29 with the first publication date at least ((twenty-five)) thirty days  
30 before the hearing. Publication shall be in a legal newspaper in the  
31 city or town of the last known address within the United States and its  
32 territories of the parent or alleged father, whether within or without  
33 this state, or, if no address is known to the petitioner, publication  
34 shall be in the city or town of the last known whereabouts within the  
35 United States and its territories; or if no address or whereabouts are  
36 known to the petitioner or the last known address is not within the  
37 United States and its territories, in the city or town where the  
38 proceeding has been commenced.

1 (3) Notice and appearance may be waived by the department, an  
2 agency, a parent, or an alleged father before the court or in a writing  
3 signed under penalty of perjury. The waiver shall contain the current  
4 address of the department, agency, parent, or alleged father. The face  
5 of the waiver for a hearing on termination of the parent-child  
6 relationship shall contain language explaining the meaning and  
7 consequences of the waiver and the meaning and consequences of  
8 termination of the parent-child relationship. A person or agency who  
9 has executed a waiver shall not be required to appear except in the  
10 case of an Indian child where consent to termination or adoption must  
11 be certified before a court of competent jurisdiction pursuant to 25  
12 U.S.C. Sec. 1913(a).

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

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

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

23 (1) The entry of a decree of adoption divests any parent or alleged  
24 father who is not married to the adoptive parent or who has not joined  
25 in the petition for adoption of all legal rights and obligations in  
26 respect to the adoptee, except past-due child support obligations. The  
27 adoptee shall be free from all legal obligations of obedience and  
28 maintenance in respect to the parent. The adoptee shall be, to all  
29 intents and purposes, and for all legal incidents, the child, legal  
30 heir, and lawful issue of the adoptive parent, entitled to all rights  
31 and privileges, including the right of inheritance and the right to  
32 take under testamentary disposition, and subject to all the obligations  
33 of a natural child of the adoptive parent.

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

36 (3) Except as otherwise provided in RCW 26.33.160(3) and (4)(h), no  
37 person may challenge an adoption decree on the grounds of:

1       (a) A person claiming or alleging paternity subsequently appears  
2 and alleges lack of prior notice of the proceeding; or  
3       (b) The adoption proceedings were in any other manner defective.  
4       (4) It is the intent of the legislature that this section provide  
5 finality for adoptive placements and stable homes for children."

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9       On page 1, line 1 of the title, after "adoption;" strike the  
10 remainder of the title and insert "and amending RCW 26.33.110,  
11 26.33.310, and 26.33.260."

12       EFFECT OF STRIKING AMENDMENT: Requires thirty days notice if  
13 served outside of the state.

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