

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5053**

Chapter 117, Laws of 2005

59th Legislature  
2005 Regular Session

SERVICE BY PUBLICATION--DOMESTIC RELATIONS

EFFECTIVE DATE: 7/24/05

Passed by the Senate March 2, 2005  
YEAS 48 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 5, 2005  
YEAS 93 NAYS 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved April 21, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5053** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

FILED

April 21, 2005 - 3:35 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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SENATE BILL 5053

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Passed Legislature - 2005 Regular Session

State of Washington                      59th Legislature                      2005 Regular Session

By Senators Kline and Johnson

Read first time 01/12/2005. Referred to Committee on Judiciary.

1            AN ACT Relating to service by publication in actions to establish  
2 or modify parenting plans, for legal separation or invalidity of  
3 marriage, and for nonparental custody; and amending RCW 4.28.100.

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

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

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

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

1 (2) When the defendant, being a resident of this state, has  
2 departed therefrom with intent to defraud his creditors, or to avoid  
3 the service of a summons, or keeps himself concealed therein with like  
4 intent;

5 (3) When the defendant is not a resident of the state, but has  
6 property therein and the court has jurisdiction of the subject of the  
7 action;

8 (4) When the action is for ~~((divorce))~~ (a) establishment or  
9 modification of a parenting plan or residential schedule; or (b)  
10 dissolution of marriage, legal separation, or declaration of  
11 invalidity, in the cases prescribed by law;

12 (5) When the action is for nonparental custody under chapter 26.10  
13 RCW and the child is in the physical custody of the petitioner;

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

18 ~~((+6+))~~ (7) When the action is to foreclose, satisfy, or redeem  
19 from a mortgage, or to enforce a lien of any kind on real estate in the  
20 county where the action is brought, or satisfy or redeem from the same;

21 ~~((+7+))~~ (8) When the action is against any corporation, whether  
22 private or municipal, organized under the laws of the state, and the  
23 proper officers on whom to make service do not exist or cannot be  
24 found;

25 ~~((+8+))~~ (9) When the action is brought under RCW 4.08.160 and  
26 4.08.170 to determine conflicting claims to property in this state.

Passed by the Senate March 2, 2005.

Passed by the House April 5, 2005.

Approved by the Governor April 21, 2005.

Filed in Office of Secretary of State April 21, 2005.