
SENATE BILL 5189

State of Washington

60th Legislature

2007 Regular Session

By Senators Hargrove, McCaslin and Shin

Read first time 01/12/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to administrative proceedings; and amending RCW
2 26.21A.525, 26.21A.520, 26.27.441, 53.48.030, and 13.34.080.

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

4 **Sec. 1.** RCW 26.21A.525 and 2002 c 198 s 606 are each amended to
5 read as follows:

6 (1) A nonregistering party seeking to contest the validity or
7 enforcement of a registered order in this state shall request a hearing
8 within twenty days after notice of the registration. The
9 nonregistering party may seek to vacate the registration, to assert any
10 defense to an allegation of noncompliance with the registered order, or
11 to contest the remedies being sought or the amount of any alleged
12 arrearages pursuant to RCW 26.21A.530.

13 (2) If the nonregistering party fails to contest the validity or
14 enforcement of the registered order in a timely manner, the order is
15 confirmed by operation of law.

16 (3) If a nonregistering party (~~requests a hearing to~~) wishes to
17 contest the validity or enforcement of the registered order, the
18 (~~registering tribunal~~) party shall schedule the matter for hearing

1 and give notice to the other parties of the date, time, and place of
2 the hearing.

3 **Sec. 2.** RCW 26.21A.520 and 2002 c 198 s 605 are each amended to
4 read as follows:

5 (1) When a support order or income-withholding order issued in
6 another state is registered, the registering (~~((tribunal))~~) party shall
7 notify the nonregistering party. The notice must be accompanied by a
8 copy of the registered order and the documents and relevant information
9 accompanying the order.

10 (2) A notice must inform the nonregistering party:

11 (a) That a registered order is enforceable as of the date of
12 registration in the same manner as an order issued by a tribunal of
13 this state;

14 (b) That a hearing to contest the validity or enforcement of the
15 registered order must be requested within twenty days after notice;

16 (c) That failure to contest the validity or enforcement of the
17 registered order in a timely manner will result in confirmation of the
18 order and enforcement of the order and the alleged arrearages; and

19 (d) Of the amount of any alleged arrearages.

20 (3) If the registering party asserts that two or more orders are in
21 effect, a notice must also:

22 (a) Identify the two or more orders and the order alleged by the
23 registering person to be the controlling order and the consolidated
24 arrears, if any;

25 (b) Notify the nonregistering party of the right to a determination
26 of which is the controlling order;

27 (c) State that the procedures provided in subsection (2) of this
28 section apply to the determination of which is the controlling order;
29 and

30 (d) State that failure to contest the validity or enforcement of
31 the order alleged to be the controlling order in a timely manner may
32 result in confirmation that the order is the controlling order.

33 (4) Upon registration of an income-withholding order for
34 enforcement, the registering (~~((tribunal))~~) party shall notify the
35 obligor's employer pursuant to the income-withholding law of this
36 state.

1 **Sec. 3.** RCW 26.27.441 and 2001 c 65 s 305 are each amended to read
2 as follows:

3 (1) A child custody determination issued by a court of another
4 state may be registered in this state, with or without a simultaneous
5 request for enforcement, by sending to the appropriate court in this
6 state:

7 (a) A letter or other document requesting registration;

8 (b) Two copies, including one certified copy, of the determination
9 sought to be registered, and a statement under penalty of perjury that
10 to the best of the knowledge and belief of the person seeking
11 registration, the determination has not been modified; and

12 (c) Except as otherwise provided in RCW 26.27.281, the name and
13 address of the person seeking registration and any parent or person
14 acting as a parent who has been awarded custody or visitation in the
15 child custody determination sought to be registered.

16 (2) On receipt of the documents required by subsection (1) of this
17 section(~~(, the registering court shall)~~):

18 (a) The registering court shall cause the determination to be filed
19 as a foreign judgment, together with one copy of any accompanying
20 documents and information, regardless of their form(~~(, and)~~).

21 (b) The registering party shall serve notice upon the persons named
22 pursuant to subsection (1)(c) of this section and provide them with an
23 opportunity to contest the registration in accordance with this
24 section.

25 (3) The notice required by subsection (2)(b) of this section must
26 state that:

27 (a) A registered determination is enforceable as of the date of the
28 registration in the same manner as a determination issued by a court of
29 this state;

30 (b) A hearing to contest the validity of the registered
31 determination must be requested within twenty days after service of
32 notice; and

33 (c) Failure to contest the registration will result in confirmation
34 of the child custody determination and preclude further contest of that
35 determination with respect to any matter that could have been asserted.

36 (4) A person seeking to contest the validity of a registered
37 determination must request a hearing within twenty days after service

1 of the notice. At that hearing, the court shall confirm the registered
2 determination unless the person contesting registration establishes
3 that:

4 (a) The issuing court did not have jurisdiction under Article 2;

5 (b) The child custody determination sought to be registered has
6 been vacated, stayed, or modified by a court having jurisdiction to do
7 so under Article 2; or

8 (c) The person contesting registration was entitled to notice, but
9 notice was not given in accordance with the standards of RCW 26.27.081,
10 in the proceedings before the court that issued the determination for
11 which registration is sought.

12 (5) If a timely request for a hearing to contest the validity of
13 the registration is not made, the registration is confirmed as a matter
14 of law and the person requesting registration (~~and all persons served~~
15 ~~must be notified~~) shall serve notice to all other persons served of
16 the confirmation.

17 (6) Confirmation of a registered determination, whether by
18 operation of law or after notice and hearing, precludes further contest
19 of the determination with respect to any matter that could have been
20 asserted at the time of registration.

21 **Sec. 4.** RCW 53.48.030 and 1941 c 87 s 3 are each amended to read
22 as follows:

23 Upon the filing of such petition for an order of dissolution, the
24 superior court shall enter an order setting the same for hearing at a
25 date not less than thirty days from the date of filing, and the (~~clerk~~
26 ~~of the court of said county~~) petitioner shall give notice of such
27 hearing by publication in a newspaper of general circulation in the
28 county in which the district is located once a week for three
29 successive weeks, and by posting in three public places in the county
30 in which the district is located at least twenty-one days before said
31 hearing. At least one notice shall be posted in the district. The
32 notices shall set forth the filing of the petition, its purpose and the
33 date and place of the hearing thereon.

34 **Sec. 5.** RCW 13.34.080 and 2000 c 122 s 9 are each amended to read
35 as follows:

36 (1) The court shall direct the (~~clerk~~) department of social and

1 health services to publish notice in a legal newspaper printed in the
2 county, qualified to publish summons, once a week for three consecutive
3 weeks, with the first publication of the notice to be at least twenty-
4 five days prior to the date fixed for the hearing when it appears by
5 the petition or verified statement that:

6 (a)(i) The parent or guardian is a nonresident of this state; or

7 (ii) The name or place of residence or whereabouts of the parent or
8 guardian is unknown; and

9 (b) After due diligence, the person attempting service of the
10 summons or notice provided for in RCW 13.34.070 has been unable to make
11 service, and a copy of the notice has been deposited in the post
12 office, postage prepaid, directed to such person at his or her last
13 known place of residence. If the parent, guardian, or legal custodian
14 is believed to be a resident of another state or a county other than
15 the county in which the petition has been filed, notice also shall be
16 published in the county in which the parent, guardian, or legal
17 custodian is believed to reside.

18 (2) Publication may proceed simultaneously with efforts to provide
19 service in person or by mail, when the court determines there is reason
20 to believe that service in person or by mail will not be successful.
21 Notice shall be directed to the parent, parents, or other person
22 claiming the right to the custody of the child, if their names are
23 known. If their names are unknown, the phrase "To whom it may concern"
24 shall be used, apply to, and be binding upon, those persons whose names
25 are unknown. The name of the court, the name of the child (or children
26 if of one family), the date of the filing of the petition, the date of
27 hearing, and the object of the proceeding in general terms shall be set
28 forth. There shall be filed with the clerk an affidavit showing due
29 publication of the notice. The cost of publication shall be paid by
30 the county at a rate not greater than the rate paid for other legal
31 notices. The publication of notice shall be deemed equivalent to
32 personal service upon all persons, known or unknown, who have been
33 designated as provided in this section.

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