

RCW 13.34.080 Summons when petition filed—Publication of notice. (Effective until January 31, 2026.) (1) The court shall direct the clerk to publish notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing when it appears by the petition or verified statement that:

(a) (i) The parent or guardian is a nonresident of this state; or
(ii) The name or place of residence or whereabouts of the parent or guardian is unknown; and

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

(2) Publication may proceed simultaneously with efforts to provide service in person or by mail, when the court determines there is reason to believe that service in person or by mail will not be successful. Notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known. If their names are unknown, the phrase "To whom it may concern" shall be used, apply to, and be binding upon, those persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth. There shall be filed with the clerk an affidavit showing due publication of the notice. The cost of publication shall be paid by the county at a rate not greater than the rate paid for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section. [2000 c 122 s 9; 1990 c 246 s 3; 1988 c 201 s 1; 1979 c 155 s 41; 1977 ex.s. c 291 s 36; 1961 c 302 s 4; 1913 c 160 s 7; RRS s 1987-7. Formerly RCW 13.04.080.]

Severability—1990 c 246: See note following RCW 13.34.060.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 13.34.080 Summons when petition filed—Publication of notice. (Effective January 31, 2026.) (1) The court shall direct the petitioner to publish notice in a legal newspaper, as described under RCW 65.16.020, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing when it appears by the petition or verified statement that:

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

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

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

(2) Publication may proceed simultaneously with efforts to provide service in person or by mail, when the court determines there is reason to believe that service in person or by mail will not be successful. Notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known. If their names are unknown, the phrase "To whom it may concern" shall be used, apply to, and be binding upon, those persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth. There shall be filed with the clerk an affidavit showing due publication of the notice.

(3)(a) Except as provided in (b) of this subsection, the cost of publication shall be paid by the petitioner at a rate not greater than the rate paid for other legal notices.

(b) If the petitioner is a minor child or the court finds that the petitioner is an indigent parent or legal guardian, the cost of publication shall be paid or reimbursed by the office of civil legal aid where the petitioner is a minor child, or the office of public defense where the petitioner is a parent or legal guardian, pursuant to procedures set by each agency.

(4) The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section. [2024 c 312 s 1; 2000 c 122 s 9; 1990 c 246 s 3; 1988 c 201 s 1; 1979 c 155 s 41; 1977 ex.s. c 291 s 36; 1961 c 302 s 4; 1913 c 160 s 7; RRS s 1987-7. Formerly RCW 13.04.080.]

Effective date—2024 c 312: "This act takes effect January 31, 2026." [2024 c 312 s 3.]

Severability—1990 c 246: See note following RCW 13.34.060.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.