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2 AN ACT Relating to making corrections to update the law regarding  
3 adoption petitions; and amending RCW 26.33.040.

4  
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:  
6

7 **Sec. 1.** RCW 26.33.040 and 2004 c 64 s 2 are each amended to read  
8 as follows:

9 (1)(a) Every petition filed in proceedings under this chapter  
10 shall contain a statement alleging whether the child is or may be an  
11 Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an  
12 Indian child as defined under the Indian child welfare act, the  
13 provisions of the act shall apply.

14 (b) Every order or decree entered in any proceeding under this  
15 chapter shall contain a finding that the Indian child welfare act does  
16 or does not apply. Where there is a finding that the Indian child  
17 welfare act does apply, the decree or order must also contain a  
18 finding that all notice requirements and evidentiary requirements  
19 under the Indian child welfare act have been satisfied.

1 (c) In proceedings under this chapter, the adoption facilitator  
2 shall file a sworn statement documenting efforts to determine whether  
3 an Indian child as defined under the Indian child welfare act, 25  
4 U.S.C. Sec. 1903, is involved.

5 (d) Whenever the court or the petitioning party knows or has  
6 reason to know that an Indian child is involved in any termination,  
7 relinquishment, or placement proceeding under this chapter, the  
8 petitioning party shall promptly provide notice to the child's parent  
9 or Indian custodian and to the agent designated by the child's Indian  
10 tribe to receive such notices. Notice shall be by certified mail with  
11 return receipt requested. If the identity or location of the parent  
12 or Indian custodian and the tribe cannot be determined, notice shall  
13 be given to the secretary of the interior in the manner described in  
14 25 C.F.R. 23.11. If the child may be a member of more than one tribe,  
15 the petitioning party shall send notice to all tribes the petitioner  
16 has reason to know may be affiliated with the child.

17 (e) The notice shall: (i) Contain a statement notifying the  
18 parent or custodian and the tribe of the pending proceeding; and (ii)  
19 notify the tribe of the tribe's right to intervene and/or request that  
20 the case be transferred to tribal court.

21 (f) No termination, relinquishment, or placement proceeding shall  
22 be held until at least ten days after receipt of notice by the tribe.  
23 If the tribe requests, the court shall grant the tribe up to twenty  
24 additional days to prepare for such proceeding.

25 (2) Every petition filed in proceedings under this chapter shall  
26 contain a statement alleging whether the (~~Soldiers and Sailors~~)  
27 Servicemembers Civil Relief Act of (~~1940~~) 2003, 50 U.S.C. Sec. 501  
28 et seq. applies to the proceeding. Every order or decree entered in  
29 any proceeding under this chapter shall contain a finding that the  
30 (~~Soldiers and Sailors~~) Servicemembers Civil Relief Act of (~~1940~~)  
31 2003 does or does not apply.

32 (3) Every petition filed in proceedings under this chapter shall  
33 contain a statement alleging whether the Washington service members'  
34 civil relief act, chapter 38.42 RCW, applies to the proceeding. Every

1 order or decree entered in any proceedings under this chapter shall  
2 contain a finding that the Washington service members' civil relief  
3 act, chapter 38.42 RCW, does or does not apply.

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