

Said notice of claim can be served either as provided for the service of summons or complaint and notice in civil actions or by registered or certified mail provided a return receipt with the signature of the party being served is filed with the court, but no other paper is to be served with the notice. The officer serving such notice shall be entitled to receive from the plaintiff, besides mileage, ~~((one dollar))~~ the fee specified in RCW 36.18.040 for such service; which sum, together with the filing fee named in RCW 12.40.030, shall be added to any judgment given for plaintiff.

NEW SECTION. Sec. 4. There is added to chapter 12.40 RCW a new section to read as follows:

In the event persons other than the sheriff or duly appointed deputies charge a fee for services in excess of the fees allowed under RCW 36.18.040, the prevailing party incurring such charges shall be entitled to recover as court costs only the amount of the fees for such services as provided in RCW 36.18.040.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 30, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 195

[Senate Bill No. 3189]

CHILD GUARDIANSHIP, SUPPORT

AN ACT Relating to juveniles; amending section 51, chapter 155, Laws of 1979 and RCW 13.34.230; amending section 8, chapter 160, Laws of 1913 as last amended by section 44, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.160; amending section 1, chapter 188, Laws of 1955 as last amended by section 45, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.170; and adding new sections to chapter 13.34 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 51, chapter 155, Laws of 1979 and RCW 13.34.230 are each amended to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department of social and health services shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings. ~~((Guardianship may be established if the court finds that: (1) The requirements of chapter 11.88 RCW are met; (2) the requirements of RCW 13.34.180(1), (2), (3), (4), and (5) are met; and (3) sole guardianship is in the best interests of the child. Guardianship of a~~

~~child under this section shall not disentitle a guardian from eligibility to receive foster care payments. Guardianship shall be as defined in chapter 11-88 RCW. PROVIDED, That if guardianship is established pursuant to this section, the review hearing requirements of RCW 13.34.130 shall not apply; the juvenile court shall determine the appropriate frequency of visitation between the parent or parents and the child; the juvenile court shall determine the need for any continued involvement of a supervising agency; any party may seek modification of the guardianship under RCW 13.34.150.)~~

NEW SECTION. Sec. 2. At the hearing on a guardianship petition, all parties have the right to present evidence and cross examine witnesses. The rules of evidence apply to the conduct of the hearing. A guardianship may be established if the court finds by a preponderance of the evidence that:

(1) The child has been found to be a dependent child under RCW 13.34.030(2);

(2) A dispositional order has been entered pursuant to RCW 13.34.130;

(3) The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2);

(4) The services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;

(5) There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(6) A guardianship rather than termination of the parent-child relationship or continuation of the child's current dependent status would be in the best interest of the family.

NEW SECTION. Sec. 3. If the court has made a finding under section 2 of this act, it shall enter an order establishing a guardianship for the child. The order shall:

(1) Appoint a person or agency to serve as guardian;

(2) Specify the guardian's rights and responsibilities concerning the care, custody, and control of the child. A guardian shall not have the authority to consent to the child's adoption;

(3) Specify an appropriate frequency of visitation between the parent and the child; and

(4) Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

NEW SECTION. Sec. 4. Any party may seek a modification of the guardianship order under RCW 13.34.150.

NEW SECTION. Sec. 5. Establishment of a guardianship under sections 2 and 3 of this act does not preclude a guardian from receiving foster care payments.

NEW SECTION. Sec. 6. A guardianship established under sections 2 and 3 of this act is not subject to the review hearing requirements of RCW 13.34.130.

NEW SECTION. Sec. 7. Any person over the age of twenty-one years who is not otherwise disqualified by this section, any nonprofit corporation, or any Indian tribe may be appointed the guardian of a child under section 3 of this act. No person is qualified to serve as a guardian who: (1) Is of unsound mind; (2) has been convicted of a felony or misdemeanor involving moral turpitude; or (3) is a person whom the court finds unsuitable.

Sec. 8. Section 8, chapter 160, Laws of 1913 as last amended by section 44, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.160 are each amended to read as follows:

In any case in which the court shall find the child dependent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees(~~(- PROVIDED, That no support payments shall be required of a parent who, throughout a dependence proceeding pursuant to RCW 13.34.030(2)(d), has continuously sought reconciliation with, and the return of, his or her child, unless such parent has been found to have abused or neglected such children))~~).

Sec. 9. Section 1, chapter 188, Laws of 1955 as last amended by section 45, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.170 are each amended to read as follows:

In any case in which an order or decree of the juvenile court requiring a parent or parents, guardian, or other person having custody of a child to pay for shelter care and/or support of such child is not complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon said order or decree and enter judgment for such amount against the defaulting party or parties, and such judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the same are entered shall be denominated the judgment creditor, or the state may be the judgment creditor where the child is in the custody of a state agency and said judgments may be enforced by the prosecuting attorney of such county, or the attorney general where the state is the judgment creditor and any moneys recovered

thereon shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court shall find to be entitled thereto.

Such judgments shall remain as valid and enforceable judgments for a period of (~~six~~) ten years subsequent to the entry thereof.

NEW SECTION. Sec. 10. Sections 2 through 7 of this act are each added to chapter 13.34 RCW.

Passed the Senate March 9, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 196

[Senate Bill No. 3230]

MARINE PILOT LIABILITY

AN ACT Relating to pilotage; adding new sections to chapter 88.16 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 88.16 RCW a new section to read as follows:

The preservation of human life and property associated with maritime commerce on the pilotage waters of this state is declared to be in the public interest, and the limitation and regulation of the liability of pilots licensed by the state of Washington is necessary to such preservation and is deemed to be in the public interest.

NEW SECTION. Sec. 2. There is added to chapter 88.16 RCW a new section to read as follows:

Pilots licensed by this state are authorized to limit their liability by special contracts or tariffs containing substantially the terms and provisions of the following form:

"PILOT LIABILITY

The rates and charges named in this tariff do not include marine insurance insuring the vessel, its owners, agents, or operators from the consequences of negligence or errors in the judgment of the particular pilots supplying the services. Upon reasonable notice from the vessel, its master, owners, agents, or operator, the pilots, parties hereto, will provide such insurance on a "trip" basis to the value of the vessel and its cargo, the premium of which will be assessed in addition to the rates and charges specified herein.

The election of the vessel, its master, owners, agents, or operators not to request pilots, parties hereto, to procure such insurance and to elect to have the pilots, parties hereto, perform services on the rates and charges specified