

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1267

Chapter 283, Laws of 2011

62nd Legislature
2011 Regular Session

UNIFORM PARENTAGE ACT

EFFECTIVE DATE: 07/22/11

Passed by the House April 21, 2011
Yeas 57 Nays 40

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 21, 2011
Yeas 27 Nays 21

BRAD OWEN

President of the Senate

Approved May 10, 2011, 3:19 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1267** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 11, 2011

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1267

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House General Government Appropriations & Oversight (originally sponsored by Representatives Pedersen, Walsh, Jinkins, Eddy, Roberts, Kagi, Sullivan, Van De Wege, Hurst, Goodman, Orwall, Moeller, Kirby, Frockt, Carlyle, Liias, Kenney, Clibborn, Seaquist, Blake, Hudgins, Fitzgibbon, Darneille, Dunshee, Morris, Takko, Pettigrew, Finn, Billig, Hunter, Cody, Dickerson, Stanford, Springer, Reykdal, Haigh, Rolfes, Sells, Jacks, Appleton, Hunt, Maxwell, Ryu, Ormsby, Ladenburg, McCoy, Santos, Lytton, Moscoso, Upthegrove, Green, Hasegawa, and Tharinger; by request of Washington State Bar Association)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to clarifying and expanding the rights and
2 obligations of state registered domestic partners and other couples
3 related to parentage; amending RCW 26.26.011, 26.26.021, 26.26.041,
4 26.26.051, 26.26.101, 26.26.106, 26.26.111, 26.26.116, 26.26.130,
5 26.26.150, 26.26.300, 26.26.305, 26.26.310, 26.26.315, 26.26.320,
6 26.26.330, 26.26.335, 26.26.340, 26.26.360, 26.26.375, 26.26.400,
7 26.26.405, 26.26.410, 26.26.420, 26.26.425, 26.26.430, 26.26.435,
8 26.26.445, 26.26.505, 26.26.510, 26.26.525, 26.26.530, 26.26.535,
9 26.26.540, 26.26.545, 26.26.550, 26.26.555, 26.26.570, 26.26.575,
10 26.26.585, 26.26.590, 26.26.600, 26.26.620, 26.26.625, 26.26.630,
11 26.26.705, 26.26.710, 26.26.715, 26.26.720, 26.26.725, 26.26.730,
12 26.26.735, 26.26.903, and 26.26.911; adding a new section to chapter
13 26.26 RCW; and creating new sections.

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

15 **Sec. 1.** RCW 26.26.011 and 2002 c 302 s 102 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

1 (1) "Acknowledged father" means a man who has established a father-
2 child relationship under RCW 26.26.300 through 26.26.375.

3 (2) "Adjudicated (~~(father)~~) parent" means a (~~(man)~~) person who has
4 been adjudicated by a court of competent jurisdiction to be the
5 (~~(father)~~) parent of a child.

6 (3) "Alleged (~~(father)~~) parent" means a (~~(man)~~) person who alleges
7 himself or herself to be, or is alleged to be, the genetic (~~(father)~~)
8 parent or a possible genetic (~~(father)~~) parent of a child, but whose
9 (~~(paternity)~~) parentage has not been determined. The term does not
10 include:

11 (a) A presumed (~~(father)~~) parent;

12 (b) A (~~(man)~~) person whose parental rights have been terminated or
13 declared not to exist; or

14 (c) A (~~(male)~~) donor.

15 (4) "Assisted reproduction" means a method of causing pregnancy
16 other than sexual intercourse. The term includes:

17 (a) (~~(Intrauterine)~~) Artificial insemination;

18 (b) Donation of eggs;

19 (c) Donation of embryos;

20 (d) In vitro fertilization and transfer of embryos; and

21 (e) Intracytoplasmic sperm injection.

22 (5) "Child" means an individual of any age whose parentage may be
23 determined under this chapter.

24 (6) "Commence" means to file the petition seeking an adjudication
25 of parentage in a superior court of this state or to serve a summons
26 and the petition.

27 (7) "Determination of parentage" means the establishment of the
28 parent-child relationship by the signing of a valid acknowledgment of
29 paternity under RCW 26.26.300 through 26.26.375 or adjudication by the
30 court.

31 (8) "Domestic partner" means a state registered domestic partner as
32 defined in chapter 26.60 RCW.

33 (9) "Donor" means an individual who (~~(produces eggs or sperm)~~)
34 contributes a gamete or gametes for assisted reproduction, whether or
35 not for consideration. The term does not include:

36 (a) A (~~(husband)~~) person who provides (~~(sperm, or a wife who~~
37 ~~provides eggs,)~~) a gamete or gametes to be used for assisted

1 reproduction (~~by the wife~~) with his or her spouse or domestic
2 partner; or

3 (b) A woman who gives birth to a child by means of assisted
4 reproduction, except as otherwise provided in RCW 26.26.210 through
5 26.26.260 or 26.26.735.

6 (~~(9)~~) (10) "Ethnic or racial group" means, for purposes of
7 genetic testing, a recognized group that an individual identifies as
8 all or part of (~~his or her~~) the individual's ancestry or that is so
9 identified by other information.

10 (~~(10)~~) (11) "Gamete" means either a sperm or an egg.

11 (12) "Genetic testing" means an analysis of genetic markers
12 (~~only~~) to exclude or identify a man as the father or a woman as the
13 mother of a child. The term includes an analysis of one or a
14 combination of the following:

15 (a) Deoxyribonucleic acid; and

16 (b) Blood-group antigens, red-cell antigens, human-leukocyte
17 antigens, serum enzymes, serum proteins, or red-cell enzymes.

18 (~~(11)~~) (13) "Man" means a male individual of any age.

19 (~~(12)~~) (14) "Parent" means an individual who has established a
20 parent-child relationship under RCW 26.26.101.

21 (~~(13)~~) (15) "Parent-child relationship" means the legal
22 relationship between a child and a parent of the child. The term
23 includes the mother-child relationship and the father-child
24 relationship.

25 (~~(14) "Paternity"~~) (16) "Parentage index" means the likelihood of
26 (~~paternity~~) parentage calculated by computing the ratio between:

27 (a) The likelihood that the tested (~~man~~) person is the (~~father~~)
28 parent, based on the genetic markers of the tested (~~man~~) person,
29 (~~mother~~) genetic parent, and child, conditioned on the hypothesis
30 that the tested (~~man~~) person is the (~~father~~) parent of the child;
31 and

32 (b) The likelihood that the tested (~~man~~) person is not the
33 (~~father~~) parent, based on the genetic markers of the tested (~~man~~)
34 person, (~~mother~~) genetic parent, and child, conditioned on the
35 hypothesis that the tested (~~man~~) person is not the (~~father~~) parent
36 of the child and that the (~~father~~) parent is (~~from~~) of the same
37 ethnic or racial group as the tested (~~man~~) person.

1 ~~((15))~~ (17) "Physician" means a person licensed to practice
2 medicine in a state.

3 (18) "Presumed ~~((father))~~ parent" means a ~~((man))~~ person who, by
4 operation of law under RCW 26.26.116, is recognized ~~((to be))~~ as the
5 ~~((father))~~ parent of a child until that status is rebutted or confirmed
6 in a judicial proceeding.

7 ~~((16))~~ (19) "Probability of ~~((paternity))~~ parentage" means the
8 measure, for the ethnic or racial group to which the alleged ~~((father))~~
9 parent belongs, of the probability that the individual in question is
10 the ~~((father))~~ parent of the child, compared with a random, unrelated
11 ~~((man))~~ person of the same ethnic or racial group, expressed as a
12 percentage incorporating the ~~((paternity))~~ parentage index and a prior
13 probability.

14 ~~((17))~~ (20) "Record" means information that is inscribed on a
15 tangible medium or that is stored in an electronic or other medium and
16 is retrievable in perceivable form.

17 ~~((18))~~ (21) "Signatory" means an individual who authenticates a
18 record and is bound by its terms.

19 ~~((19))~~ (22) "State" means a state of the United States, the
20 District of Columbia, Puerto Rico, the United States Virgin Islands,
21 any territory or insular possession subject to the jurisdiction of the
22 United States, or an Indian tribe or band, or Alaskan native village,
23 that is recognized by federal law or formally acknowledged by state
24 law.

25 ~~((20))~~ (23) "Support enforcement agency" means a public official
26 or agency authorized to seek:

27 (a) Enforcement of support orders or laws relating to the duty of
28 support;

29 (b) Establishment or modification of child support;

30 (c) Determination of parentage; or

31 (d) Location of child support obligors and their income and assets.

32 (24) "Fertility clinic" means a facility that provides assisted
33 reproduction services or gametes to be used in assisted reproduction.

34 (25) "Genetic parent" means a person who is the source of the egg
35 or sperm that produced the child. The term does not include a donor.

36 (26) "Identifying information" includes, but is not limited to, the
37 following information of the gamete donor:

38 (a) The first and last name of the person; and

1 (b) The age of the person at the time of the donation.

2 **Sec. 2.** RCW 26.26.021 and 2002 c 302 s 103 are each amended to
3 read as follows:

4 (1) This chapter (~~((governs every))~~) applies to determinations of
5 parentage in this state.

6 (2) The court shall apply the law of this state to adjudicate the
7 parent-child relationship. The applicable law does not depend on:

8 (a) The place of birth of the child; or

9 (b) The past or present residence of the child.

10 (3) This chapter does not create, enlarge, or diminish parental
11 rights or duties under other law of this state.

12 (4) If a birth results under a surrogate parentage contract that is
13 unenforceable under the law of this state, the parent-child
14 relationship is determined as provided in RCW 26.26.101 through
15 26.26.116 and applicable case law.

16 **Sec. 3.** RCW 26.26.041 and 2002 c 302 s 105 are each amended to
17 read as follows:

18 Proceedings under this chapter are subject to other laws of this
19 state governing the health, safety, privacy, and liberty of a child or
20 other individuals (~~((that))~~) who could be jeopardized by disclosure of
21 identifying information, including the address, telephone number, place
22 of employment, social security number, and the child's day-care
23 facility and school.

24 **Sec. 4.** RCW 26.26.051 and 2002 c 302 s 106 are each amended to
25 read as follows:

26 (1) The provisions relating to determination of ((paternity may be
27 applied)) parentage apply to ((a)) determinations of maternity and
28 paternity.

29 (2) The provisions in this chapter apply to persons in a domestic
30 partnership to the same extent they apply to persons in a marriage, and
31 apply to persons of the same sex who have children together to the same
32 extent they apply to persons of the opposite sex who have children
33 together.

1 **Sec. 5.** RCW 26.26.101 and 2002 c 302 s 201 are each amended to
2 read as follows:

3 ~~((1))~~ The ~~((mother-child))~~ parent-child relationship is
4 established between a child and a man or woman by:

5 ~~((a))~~ (1) The woman's having given birth to the child, except as
6 otherwise provided in RCW 26.26.210 through 26.26.260;

7 ~~((b))~~ (2) An adjudication of the ~~((woman's maternity))~~ person's
8 parentage;

9 ~~((c))~~ (3) Adoption of the child by the ~~((woman))~~ person;

10 ~~((d) A valid surrogate parentage contract, under which the mother~~
11 ~~is an intended parent of the child, as provided in RCW 26.26.210~~
12 ~~through 26.26.260; or~~

13 ~~((e))~~ (4) An affidavit and physician's certificate in a form
14 prescribed by the department of health wherein the donor of ~~((ovum))~~
15 eggs or surrogate gestation carrier sets forth her intent to be legally
16 bound as the parent of a child or children born through ~~((alternative~~
17 ~~reproductive medical technology))~~ assisted reproduction by filing the
18 affidavit and physician's certificate with the registrar of vital
19 statistics within ten days after the date of the child's birth pursuant
20 to RCW 26.26.735 ~~((-~~

21 ~~(2) The father-child relationship is established between a child~~
22 ~~and a man by:~~

23 ~~((a))~~ ;

24 (5) An un rebutted presumption of the ~~((man's paternity))~~ person's
25 parentage of the child under RCW 26.26.116;

26 ~~((b))~~ (6) The man's having signed an acknowledgment of paternity
27 under RCW 26.26.300 through 26.26.375, unless the acknowledgment has
28 been rescinded or successfully challenged;

29 ~~((c) An adjudication of the man's paternity;~~

30 ~~(d) Adoption of the child by the man;~~

31 ~~((e))~~ (7) The ~~((man's))~~ person's having consented to assisted
32 reproduction by his ~~((wife))~~ or her spouse or domestic partner under
33 RCW 26.26.700 through 26.26.730 that resulted in the birth of the
34 child; or

35 ~~((f))~~ (8) A valid surrogate parentage contract, under which the
36 ~~((father))~~ person asserting parentage is an intended parent of the
37 child, as provided in RCW 26.26.210 through 26.26.260.

1 **Sec. 6.** RCW 26.26.106 and 2002 c 302 s 202 are each amended to
2 read as follows:

3 A child born to parents who are not married to each other or in a
4 domestic partnership with each other has the same rights under the law
5 as a child born to parents who are married to each other or who are in
6 a domestic partnership with each other.

7 **Sec. 7.** RCW 26.26.111 and 2002 c 302 s 203 are each amended to
8 read as follows:

9 Unless parental rights are terminated, the parent-child
10 relationship established under this chapter applies for all purposes,
11 except as otherwise specifically provided by other law of this state.

12 **Sec. 8.** RCW 26.26.116 and 2002 c 302 s 204 are each amended to
13 read as follows:

14 (1) In the context of a marriage or a domestic partnership, a
15 ((man)) person is presumed to be the ((father)) parent of a child if:

16 (a) ((He)) The person and the mother or father of the child are
17 married to each other or in a domestic partnership with each other and
18 the child is born during the marriage or domestic partnership;

19 (b) ((He)) The person and the mother or father of the child were
20 married to each other or in a domestic partnership with each other and
21 the child is born within three hundred days after the marriage or
22 domestic partnership is terminated by death, annulment, dissolution
23 ((of marriage)), legal separation, or declaration of invalidity;

24 (c) Before the birth of the child, ((he)) the person and the mother
25 or father of the child married each other or entered into a domestic
26 partnership with each other in apparent compliance with law, even if
27 the attempted marriage or domestic partnership is, or could be,
28 declared invalid and the child is born during the invalid marriage or
29 invalid domestic partnership or within three hundred days after its
30 termination by death, annulment, dissolution ((of marriage)), legal
31 separation, or declaration of invalidity; or

32 (d) After the birth of the child, ((he)) the person and the mother
33 or father of the child have married each other or entered into a
34 domestic partnership with each other in apparent compliance with law,
35 whether or not the marriage or domestic partnership is, or could be

1 declared invalid, and (~~he~~) the person voluntarily asserted (~~his~~
2 ~~paternity~~) parentage of the child, and:

3 (i) The assertion is in a record filed with the state registrar of
4 vital statistics;

5 (ii) The person agreed to be and is named as the child's (~~father~~)
6 parent on the child's birth certificate; or

7 (iii) The person promised in a record to support the child as his
8 or her own.

9 (2) A person is presumed to be the parent of a child if, for the
10 first two years of the child's life, the person resided in the same
11 household with the child and openly held out the child as his or her
12 own.

13 (3) A presumption of (~~paternity~~) parentage established under this
14 section may be rebutted only by an adjudication under RCW 26.26.500
15 through 26.26.630.

16 **Sec. 9.** RCW 26.26.130 and 2001 c 42 s 5 are each amended to read
17 as follows:

18 (1) The judgment and order of the court determining the existence
19 or nonexistence of the parent and child relationship shall be
20 determinative for all purposes.

21 (2) If the judgment and order of the court is at variance with the
22 child's birth certificate, the court shall order that an amended birth
23 certificate be issued.

24 (3) The judgment and order shall contain other appropriate
25 provisions directed to the appropriate parties to the proceeding,
26 concerning the duty of current and future support, the extent of any
27 liability for past support furnished to the child if that issue is
28 before the court, the furnishing of bond or other security for the
29 payment of the judgment, or any other matter in the best interest of
30 the child. The judgment and order may direct (~~the father~~) one parent
31 to pay the reasonable expenses of the mother's pregnancy and
32 (~~confinement~~) childbirth. The judgment and order may include a
33 continuing restraining order or injunction. In issuing the order, the
34 court shall consider the provisions of RCW 9.41.800.

35 (4) The judgment and order shall contain a provision that each
36 party must file with the court and the Washington state child support

1 registry and update as necessary the information required in the
2 confidential information form required by RCW 26.23.050.

3 (5) Support judgment and orders shall be for periodic payments
4 which may vary in amount. The court may limit the (~~father's~~)
5 parent's liability for the past support to the child to the proportion
6 of the expenses already incurred as the court deems just. The court
7 shall not limit or affect in any manner the right of nonparties
8 including the state of Washington to seek reimbursement for support and
9 other services previously furnished to the child.

10 (6) After considering all relevant factors, the court shall order
11 either or both parents to pay an amount determined pursuant to the
12 schedule and standards contained in chapter 26.19 RCW.

13 (7) On the same basis as provided in chapter 26.09 RCW, the court
14 shall make residential provisions with regard to minor children of the
15 parties, except that a parenting plan shall not be required unless
16 requested by a party. If a parenting plan or residential schedule was
17 not entered at the time the order establishing parentage was entered,
18 a parent may move the court for entry of a parenting plan or
19 residential schedule:

20 (a) By filing a motion and proposed parenting plan or residential
21 schedule and providing notice to the other parent and other persons who
22 have residential time with the child pursuant to a court order:
23 PROVIDED, That at the time of filing the motion less than twenty-four
24 months have passed since entry of the order establishing parentage and
25 that the proposed parenting plan or residential schedule does not
26 change the designation of the parent with whom the child spends the
27 majority of time; or

28 (b) By filing a petition for modification under RCW 26.09.260 or
29 petition to establish a parenting plan, residential schedule, or
30 residential provisions.

31 (8) In any dispute between the (~~natural parents~~) persons claiming
32 parentage of a child and a person or persons who have (a) commenced
33 adoption proceedings or who have been granted an order of adoption, and
34 (b) pursuant to a court order, or placement by the department of social
35 and health services or by a licensed agency, have had actual custody of
36 the child for a period of one year or more before court action is
37 commenced by the (~~natural parent or parents~~) persons claiming
38 parentage, the court shall consider the best welfare and interests of

1 the child, including the child's need for situation stability, in
2 determining the matter of custody, and the parent or person who is more
3 fit shall have the superior right to custody.

4 (9) In entering an order under this chapter, the court may issue
5 any necessary continuing restraining orders, including the restraint
6 provisions of domestic violence protection orders under chapter 26.50
7 RCW or antiharassment protection orders under chapter 10.14 RCW.

8 (10) Restraining orders issued under this section restraining or
9 enjoining the person from molesting or disturbing another party, from
10 going onto the grounds of or entering the home, workplace, or school of
11 the other party or the day care or school of any child, or prohibiting
12 the person from knowingly coming within, or knowingly remaining within,
13 a specified distance of a location, shall prominently bear on the front
14 page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL
15 NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND
16 WILL SUBJECT A VIOLATOR TO ARREST.

17 (11) The court shall order that any restraining order bearing a
18 criminal offense legend, any domestic violence protection order, or any
19 antiharassment protection order granted under this section be forwarded
20 by the clerk of the court on or before the next judicial day to the
21 appropriate law enforcement agency specified in the order. Upon
22 receipt of the order, the law enforcement agency shall forthwith enter
23 the order into any computer-based criminal intelligence information
24 system available in this state used by law enforcement agencies to list
25 outstanding warrants. The order is fully enforceable in any county in
26 the state.

27 (12) If a restraining order issued pursuant to this section is
28 modified or terminated, the clerk of the court shall notify the law
29 enforcement agency specified in the order on or before the next
30 judicial day. Upon receipt of notice that an order has been
31 terminated, the law enforcement agency shall remove the order from any
32 computer-based criminal intelligence system.

33 **Sec. 10.** RCW 26.26.150 and 1994 c 230 s 16 are each amended to
34 read as follows:

35 (1) If existence of the ((~~father~~)) parent and child relationship is
36 declared, or paternity or a duty of support has been acknowledged or
37 adjudicated under this chapter or under prior law, the obligation of

1 the ((father)) parent may be enforced in the same or other proceedings
2 by the ((mother)) other parent, the child, the state of Washington, the
3 public authority that has furnished or may furnish the reasonable
4 expenses of pregnancy, ((confinement)) childbirth, education, support,
5 or funeral, or by any other person, including a private agency, to the
6 extent he or she has furnished or is furnishing these expenses.

7 (2) The court shall order support payments to be made to the
8 Washington state support registry, or the person entitled to receive
9 the payments under an alternate arrangement approved by the court as
10 provided in RCW 26.23.050(2).

11 (3) All remedies for the enforcement of judgments apply.

12 **Sec. 11.** RCW 26.26.300 and 2002 c 302 s 301 are each amended to
13 read as follows:

14 The mother of a child and a man claiming to be the genetic father
15 of the child ((conceived as the result of his sexual intercourse with
16 the mother)) may sign an acknowledgment of paternity with intent to
17 establish the man's paternity.

18 **Sec. 12.** RCW 26.26.305 and 2002 c 302 s 302 are each amended to
19 read as follows:

20 (1) An acknowledgment of paternity must:

21 (a) Be in a record;

22 (b) Be signed under penalty of perjury by the mother and by the man
23 seeking to establish his paternity;

24 (c) State that the child whose paternity is being acknowledged:

25 (i) Does not have a presumed father, or has a presumed father whose
26 full name is stated; and

27 (ii) Does not have another acknowledged or adjudicated father;

28 (d) State whether there has been genetic testing and, if so, that
29 the acknowledging man's claim of paternity is consistent with the
30 results of the genetic testing; and

31 (e) State that the signatories understand that the acknowledgment
32 is the equivalent of a judicial adjudication of paternity of the child
33 and that a challenge to the acknowledgment is permitted only under
34 limited circumstances and is barred after two years, except as provided
35 in RCW 26.26.330.

36 (2) An acknowledgment of paternity is void if it:

1 (a) States that another man is a presumed father, unless a denial
2 of paternity signed by the presumed father is filed with the state
3 registrar of vital statistics;

4 (b) States that another man is an acknowledged or adjudicated
5 father; or

6 (c) Falsely denies the existence of a presumed, acknowledged, or
7 adjudicated father of the child.

8 (3) A presumed father may sign an acknowledgment of paternity.

9 **Sec. 13.** RCW 26.26.310 and 2002 c 302 s 303 are each amended to
10 read as follows:

11 A presumed father of a child may sign a denial of his paternity.
12 The denial is valid only if:

13 (1) An acknowledgment of paternity signed by another man is filed
14 under RCW 26.26.320;

15 (2) The denial is in a record, and is signed under penalty of
16 perjury; and

17 (3) The presumed father has not previously:

18 (a) Acknowledged his paternity, unless the previous acknowledgment
19 has been rescinded under RCW 26.26.330 or successfully challenged under
20 RCW 26.26.335; or

21 (b) Been adjudicated to be the father of the child.

22 **Sec. 14.** RCW 26.26.315 and 2002 c 302 s 304 are each amended to
23 read as follows:

24 (1) An acknowledgment of paternity and a denial of paternity may be
25 contained in a single document or may be signed in counterparts, and
26 may be filed separately or simultaneously. If the acknowledgment and
27 denial are both necessary, neither is valid until both are filed.

28 (2) An acknowledgment of paternity or a denial of paternity may be
29 signed before the birth of the child.

30 (3) Subject to subsection (1) of this section, an acknowledgment
31 and denial of paternity, if any, take effect on the birth of the child
32 or the filing of the document with the state registrar of vital
33 statistics, whichever occurs later.

34 (4) An acknowledgment or denial of paternity signed by a minor is
35 valid if it is otherwise in compliance with this chapter. An

1 acknowledgment or denial of paternity signed by a minor may be
2 rescinded under RCW 26.26.330.

3 **Sec. 15.** RCW 26.26.320 and 2002 c 302 s 305 are each amended to
4 read as follows:

5 (1) Except as otherwise provided in RCW 26.26.330 and 26.26.335, a
6 valid acknowledgment of paternity filed with the state registrar of
7 vital statistics is equivalent to an adjudication of ~~((paternity))~~
8 parentage of a child and confers upon the acknowledged father all of
9 the rights and duties of a parent.

10 (2) Except as otherwise provided in RCW 26.26.330 and 26.26.335, a
11 valid denial of paternity filed with the state registrar of vital
12 statistics in conjunction with a valid acknowledgment of paternity is
13 equivalent to an adjudication of the nonpaternity of the presumed
14 father and discharges the presumed father from all of the rights and
15 duties of a parent.

16 **Sec. 16.** RCW 26.26.330 and 2004 c 111 s 1 are each amended to read
17 as follows:

18 (1) Except as provided in subsection (2) of this section, a
19 signatory may rescind an acknowledgment or denial of paternity by
20 commencing a court proceeding to rescind before the earlier of:

21 ~~((1))~~ (a) Sixty days after the effective date of the
22 acknowledgment or denial, as provided in RCW 26.26.315; or

23 ~~((2))~~ (b) The date of the first hearing in a proceeding to which
24 the signatory is a party before a court to adjudicate an issue relating
25 to the child, including a proceeding that establishes support.

26 (2) If the signatory to an acknowledgment or denial of paternity
27 was a minor when he signed the acknowledgment or denial, the signatory
28 may rescind the acknowledgment or denial of paternity by commencing a
29 court proceeding to rescind on or before the signatory's nineteenth
30 birthday.

31 **Sec. 17.** RCW 26.26.335 and 2002 c 302 s 308 are each amended to
32 read as follows:

33 (1) After the period for rescission under RCW 26.26.330 has
34 ~~((elapsed))~~ expired, a signatory of an acknowledgment or denial of

1 paternity may commence a proceeding to challenge the acknowledgment or
2 denial only:

3 (a) On the basis of fraud, duress, or material mistake of fact; and

4 (b) Within (~~two~~) four years after the acknowledgment or denial is
5 filed with the state registrar of vital statistics. In actions
6 commenced more than two years after the birth of the child, the child
7 must be made a party to the action.

8 (2) A party challenging an acknowledgment or denial of paternity
9 has the burden of proof.

10 **Sec. 18.** RCW 26.26.340 and 2002 c 302 s 309 are each amended to
11 read as follows:

12 (1) Every signatory to an acknowledgment (~~or~~) of paternity and
13 any related denial of paternity must be made a party to a proceeding to
14 rescind or challenge the acknowledgment or denial.

15 (2) For the purpose of rescission of, or challenge to, an
16 acknowledgment or denial of paternity, a signatory submits to personal
17 jurisdiction of this state by signing the acknowledgment or denial,
18 effective upon the filing of the document with the state registrar of
19 vital statistics.

20 (3) Except for good cause shown, during the pendency of a
21 proceeding to rescind or challenge an acknowledgment or denial of
22 paternity, the court may not suspend the legal responsibilities of a
23 signatory arising from (~~an~~) the acknowledgment, including the duty to
24 pay child support.

25 (4) A proceeding to rescind or to challenge an acknowledgment or
26 denial of paternity must be conducted in the same manner as a
27 proceeding to adjudicate parentage under RCW 26.26.500 through
28 26.26.630.

29 (5) At the conclusion of a proceeding to rescind or challenge an
30 acknowledgment or denial of paternity, the court shall order the state
31 registrar of vital statistics to amend the birth record of the child,
32 if appropriate.

33 **Sec. 19.** RCW 26.26.360 and 2002 c 302 s 313 are each amended to
34 read as follows:

35 The state registrar of vital statistics may release information
36 relating to the acknowledgment or denial of paternity(~~, not expressly~~

1 ~~sealed — under — a — court — order,~~) to: (1) A signatory of the
2 acknowledgment or denial (~~or their attorneys of record~~); (2) the
3 courts of this or any other state; (3) the agencies of this or any
4 other state operating a child support program under Title IV-D of the
5 social security act; (~~or~~) and (4) the agencies of this or any other
6 state involved in a dependency determination for a child named in the
7 acknowledgment or denial of paternity.

8 **Sec. 20.** RCW 26.26.375 and 2002 c 302 s 316 are each amended to
9 read as follows:

10 (1) After the period for rescission of an acknowledgment of
11 paternity provided in RCW 26.26.330 has passed, a parent executing an
12 acknowledgment of paternity of the child named therein may commence a
13 judicial proceeding for:

14 (a) Making residential provisions or a parenting plan with regard
15 to the minor child on the same basis as provided in chapter 26.09 RCW;
16 or

17 (b) Establishing a child support obligation under chapter 26.19 RCW
18 and maintaining health insurance coverage under RCW 26.09.105.

19 (2) Pursuant to RCW 26.09.010(3), a proceeding authorized by this
20 section shall be (~~entitled~~) titled "In re the parenting and support
21 of...."

22 (3) Before the period for a challenge to the acknowledgment or
23 denial of paternity has elapsed under RCW 26.26.335, the petitioner
24 must specifically allege under penalty of perjury, to the best of the
25 petitioner's knowledge, that: (a) No man other than the man who
26 executed the acknowledgment of paternity is the father of the child;
27 (b) there is not currently pending a proceeding to adjudicate the
28 parentage of the child or that another man is adjudicated the child's
29 father; and (c) the petitioner has provided notice of the proceeding to
30 any other men who have claimed parentage of the child. Should the
31 respondent or any other person appearing in the action deny the
32 allegations, a permanent parenting plan or residential schedule may not
33 be entered for the child without the matter being converted to a
34 proceeding to challenge the acknowledgment of paternity under RCW
35 26.26.335 and 26.26.340. A copy of the acknowledgment of paternity or
36 the birth certificate issued by the state in which the child was born

1 must be filed with the petition or response. The court may convert the
2 matter to a proceeding to challenge the acknowledgment on its own
3 motion.

4 **Sec. 21.** RCW 26.26.400 and 2002 c 302 s 401 are each amended to
5 read as follows:

6 RCW 26.26.405 through 26.26.450 govern genetic testing of an
7 individual (~~only~~) to determine parentage, whether the individual:

- 8 (1) Voluntarily submits to testing; or
- 9 (2) Is tested pursuant to an order of the court or a support
10 enforcement agency.

11 **Sec. 22.** RCW 26.26.405 and 2002 c 302 s 402 are each amended to
12 read as follows:

13 (1) Except as otherwise provided in this section and RCW 26.26.410
14 through 26.26.630, the court shall order the child and other designated
15 individuals to submit to genetic testing if the request for testing is
16 supported by the sworn statement of a party to the proceeding:

- 17 (a) Alleging paternity and stating facts establishing a reasonable
18 probability of the requisite sexual contact between the individuals; or
- 19 (b) Denying paternity and stating facts establishing a possibility
20 that sexual contact between the individuals, if any, did not result in
21 the conception of the child.

22 (2) A support enforcement agency may order genetic testing only if
23 there is no presumed(~~acknowledged~~) or adjudicated (~~father~~)
24 parent and no acknowledged father.

25 (3) If a request for genetic testing of a child is made before
26 birth, the court or support enforcement agency may not order in utero
27 testing.

28 (4) If two or more (~~men~~) persons are subject to court-ordered
29 genetic testing, the testing may be ordered concurrently or
30 sequentially.

31 (5) This section does not apply when the child was conceived
32 through assisted reproduction.

33 **Sec. 23.** RCW 26.26.410 and 2002 c 302 s 403 are each amended to
34 read as follows:

1 (1) Genetic testing must be of a type reasonably relied upon by
2 experts in the field of genetic testing and performed in a testing
3 laboratory accredited by:

4 (a) The American association of blood banks, or a successor to its
5 functions;

6 (b) The American society for histocompatibility and immunogenetics,
7 or a successor to its functions; or

8 (c) An accrediting body designated by the United States secretary
9 of health and human services.

10 (2) A specimen used in genetic testing may consist of one or more
11 samples or a combination of samples of blood, buccal cells, bone, hair,
12 or other body tissue or fluid. The specimen used in the testing need
13 not be of the same kind for each individual undergoing genetic testing.

14 (3) Based on the ethnic or racial group of an individual, the
15 testing laboratory shall determine the databases from which to select
16 frequencies for use in ~~((the))~~ calculation~~((s))~~ of the probability of
17 parentage. If there is disagreement as to the testing laboratory's
18 choice, the following rules apply:

19 (a) The individual objecting may require the testing laboratory,
20 within thirty days after receipt of the report of the test, to
21 recalculate the probability of ~~((paternity))~~ parentage using an ethnic
22 or racial group different from that used by the laboratory.

23 (b) The individual objecting to the testing laboratory's initial
24 choice shall:

25 (i) If the frequencies are not available to the testing laboratory
26 for the ethnic or racial group requested, provide the requested
27 frequencies compiled in a manner recognized by accrediting bodies; or

28 (ii) Engage another testing laboratory to perform the calculations.

29 (c) The testing laboratory may use its own statistical estimate if
30 there is a question regarding which ethnic or racial group is
31 appropriate. If available, the testing laboratory shall calculate the
32 frequencies using statistics for any other ethnic or racial group
33 requested.

34 (4) If, after recalculation using a different ethnic or racial
35 group, genetic testing does not rebuttably identify a ~~((man))~~ person as
36 the ~~((father))~~ parent of a child under RCW 26.26.420, an individual who
37 has been tested may be required to submit to additional genetic
38 testing.

1 **Sec. 24.** RCW 26.26.420 and 2002 c 302 s 405 are each amended to
2 read as follows:

3 (1) Under this chapter, a (~~man~~) person is rebuttably identified
4 as the (~~father~~) parent of a child if the genetic testing complies
5 with this section and RCW 26.26.400 through 26.26.415 and 26.26.425
6 through 26.26.450 and the results disclose that:

7 (a) The (~~man~~) person has at least a ninety-nine percent
8 probability of (~~paternity~~) parentage, using a prior probability of
9 0.50, as calculated by using the combined (~~paternity~~) parentage index
10 obtained in the testing; and

11 (b) A combined (~~paternity~~) parentage index of at least one
12 hundred to one.

13 (2) A (~~man~~) person identified under subsection (1) of this
14 section as the (~~father~~) parent of the child may rebut the genetic
15 testing results only by other genetic testing satisfying the
16 requirements of this section and RCW 26.26.400 through 26.26.415 and
17 26.26.425 through 26.26.450 which:

18 (a) Excludes the (~~man~~) person as a genetic (~~father~~) parent of
19 the child; or

20 (b) Identifies another (~~man~~) person as the (~~father~~) parent of
21 the child.

22 (3) Except as otherwise provided in RCW 26.26.445, if more than one
23 man is identified by genetic testing as the possible father of the
24 child, the court shall order them to submit to further genetic testing
25 to identify the genetic (~~father~~) parent.

26 (4) This section does not apply when the child was conceived
27 through assisted reproduction.

28 **Sec. 25.** RCW 26.26.425 and 2002 c 302 s 406 are each amended to
29 read as follows:

30 (1) Subject to assessment of costs under RCW 26.26.500 through
31 26.26.630, the cost of initial genetic testing must be advanced:

32 (a) By a support enforcement agency in a proceeding in which the
33 support enforcement agency is providing services;

34 (b) By the individual who made the request;

35 (c) As agreed by the parties; or

36 (d) As ordered by the court.

1 (2) In cases in which the cost is advanced by the support
2 enforcement agency, the agency may seek reimbursement from a ((~~man~~))
3 person who is rebuttably identified as the ((~~father~~)) parent.

4 **Sec. 26.** RCW 26.26.430 and 2002 c 302 s 407 are each amended to
5 read as follows:

6 (1) The court or the support enforcement agency shall order
7 additional genetic testing upon the request of a party who contests the
8 result of the original testing. If the previous genetic testing
9 identified a ((~~man~~)) person as the ((~~father~~)) parent of the child under
10 RCW 26.26.420, the court or agency may not order additional testing
11 unless the party provides advance payment for the testing.

12 (2) This section does not apply when the child was conceived
13 through assisted reproduction.

14 **Sec. 27.** RCW 26.26.435 and 2002 c 302 s 408 are each amended to
15 read as follows:

16 (1) If a genetic testing specimen is not available from a man who
17 may be the father of a child, for good cause and under circumstances
18 the court considers to be just, a court may order the following
19 individuals to submit specimens for genetic testing:

- 20 (a) The parents of the man;
- 21 (b) Brothers and sisters of the man;
- 22 (c) Other children of the man and their mothers; and
- 23 (d) Other relatives of the man necessary to complete genetic
24 testing.

25 (2) If a specimen from the mother of a child is not available for
26 genetic testing, the court may order genetic testing to proceed without
27 a specimen from the mother.

28 (3) Issuance of an order under this section requires a finding that
29 a need for genetic testing outweighs the legitimate interests of the
30 individual sought to be tested.

31 (4) This section does not apply when the child was conceived
32 through assisted reproduction.

33 **Sec. 28.** RCW 26.26.445 and 2002 c 302 s 410 are each amended to
34 read as follows:

35 (1) The court may order genetic testing of a brother of a man

1 identified as the father of a child if the man is commonly believed to
2 have an identical brother and evidence suggests that the brother may be
3 the genetic father of the child.

4 (2) If (~~genetic testing excludes none of the brothers as the~~
5 ~~genetic father, and~~) each brother satisfies the requirements as the
6 identified father of the child under RCW 26.26.420 without
7 consideration of another identical brother being identified as the
8 father of the child, the court may rely on nongenetic evidence to
9 adjudicate which brother is the father of the child.

10 **Sec. 29.** RCW 26.26.505 and 2002 c 302 s 502 are each amended to
11 read as follows:

12 Subject to RCW 26.26.300 through 26.26.375, 26.26.530, and
13 26.26.540, a proceeding to adjudicate parentage may be maintained by:

- 14 (1) The child;
- 15 (2) The (~~mother of~~) person who has established a parent-child
16 relationship with the child;
- 17 (3) A (~~man~~) person whose (~~paternity~~) parentage of the child is
18 to be adjudicated;
- 19 (4) The division of child support;
- 20 (5) An authorized adoption agency or licensed child-placing agency;
- 21 (6) A representative authorized by law to act for an individual who
22 would otherwise be entitled to maintain a proceeding but who is
23 deceased, incapacitated, or a minor; or
- 24 (7) An intended parent under a surrogate parentage contract, as
25 provided in RCW 26.26.210 through 26.26.260.

26 **Sec. 30.** RCW 26.26.510 and 2002 c 302 s 503 are each amended to
27 read as follows:

28 The following individuals must be joined as parties in a proceeding
29 to adjudicate parentage:

- 30 (1) The (~~mother~~) parent of the child who has established a
31 parent-child relationship with the child;
- 32 (2) A (~~man~~) person whose (~~paternity~~) parentage of the child is
33 to be adjudicated; (~~and~~)
- 34 (3) An intended parent under a surrogate parentage contract, as
35 provided in RCW 26.26.210 through 26.26.260; and

1 (4) The child if required under RCW 26.26.530, 26.26.540, or
2 26.26.720.

3 **Sec. 31.** RCW 26.26.525 and 2002 c 302 s 506 are each amended to
4 read as follows:

5 A proceeding to adjudicate the parentage of a child having no
6 presumed(~~(, acknowledged,)~~) or adjudicated (~~(father)~~) second parent and
7 no acknowledged father may be commenced at any time during the life of
8 the child, even after:

- 9 (1) The child becomes an adult; or
- 10 (2) An earlier proceeding to adjudicate (~~(paternity)~~) parentage has
11 been dismissed based on the application of a statute of limitation then
12 in effect.

13 **Sec. 32.** RCW 26.26.530 and 2002 c 302 s 507 are each amended to
14 read as follows:

15 (1) Except as otherwise provided in subsection (2) of this section,
16 a proceeding brought by a presumed (~~(father)~~) parent, the (~~(mother)~~)
17 person with a parent-child relationship with the child, or another
18 individual to adjudicate the parentage of a child having a presumed
19 (~~(father)~~) parent must be commenced not later than (~~(two)~~) four years
20 after the birth of the child. If an action is commenced more than two
21 years after the birth of the child, the child must be made a party to
22 the action.

23 (2) A proceeding seeking to disprove the (~~(father-child)~~) parent-
24 child relationship between a child and the child's presumed (~~(father)~~)
25 parent may be maintained at any time if the court determines that(~~(+~~

26 ~~(a))~~) the presumed (~~(father)~~) parent and the (~~(mother-of)~~) person
27 who has a parent-child relationship with the child neither cohabited
28 nor engaged in sexual intercourse with each other during the probable
29 time of conception(~~(+ and~~

30 ~~(b) The presumed father never openly treated the child as his own)~~)
31 and the presumed parent never held out the child as his or her own.

32 **Sec. 33.** RCW 26.26.535 and 2002 c 302 s 508 are each amended to
33 read as follows:

34 (1) In a proceeding to adjudicate parentage under circumstances
35 described in RCW 26.26.530 or in RCW 26.26.540, a court may deny a

1 motion seeking an order for genetic testing of the mother or father,
2 the child, and the presumed or acknowledged father if the court
3 determines that:

4 (a) (i) The conduct of the mother or father or the presumed
5 ~~((father))~~ or acknowledged parent estops that party from denying
6 parentage; and

7 ~~((b))~~ (ii) It would be inequitable to disprove the ~~((father-~~
8 ~~child))~~ parent-child relationship between the child and the presumed
9 ~~((father))~~ or acknowledged parent; or

10 (b) The child was conceived through assisted reproduction.

11 (2) In determining whether to deny a motion to seek an order for
12 genetic testing under subsection (1)(a) of this section, the court
13 shall consider the best interest of the child, including the following
14 factors:

15 (a) The length of time between the proceeding to adjudicate
16 parentage and the time that the presumed ~~((father))~~ or acknowledged
17 parent was placed on notice that he or she might not be the genetic
18 ~~((father))~~ parent;

19 (b) The length of time during which the presumed ~~((father))~~ or
20 acknowledged parent has assumed the role of ~~((father))~~ parent of the
21 child;

22 (c) The facts surrounding the presumed ~~((father's))~~ or acknowledged
23 parent's discovery of his or her possible ~~((nonpaternity))~~
24 nonparentage;

25 (d) The nature of the ~~((father-child))~~ relationship between the
26 child and the presumed or acknowledged parent;

27 (e) The age of the child;

28 (f) The harm ~~((to the child which))~~ that may result to the child if
29 ~~((presumed paternity))~~ parentage is successfully disproved;

30 (g) The nature of the relationship ~~((of))~~ between the child ~~((to))~~
31 and any alleged ~~((father))~~ parent;

32 (h) The extent to which the passage of time reduces the chances of
33 establishing the ~~((paternity))~~ parentage of another ~~((man))~~ person and
34 a child support obligation in favor of the child; and

35 (i) Other factors that may affect the equities arising from the
36 disruption of the ~~((father-child))~~ parent-child relationship between
37 the child and the presumed ~~((father))~~ or acknowledged parent or the
38 chance of other harm to the child.

1 (3) In a proceeding involving the application of this section,
2 ((the)) a minor or incapacitated child must be represented by a
3 guardian ad litem.

4 (4) A denial of a motion seeking an order for genetic testing under
5 subsection (1)(a) of this section must be based on clear and convincing
6 evidence.

7 (5) If the court denies a motion seeking an order for genetic
8 testing under subsection (1)(a) of this section, it shall issue an
9 order adjudicating the presumed ((father)) or acknowledged parent to be
10 the ((father)) parent of the child.

11 **Sec. 34.** RCW 26.26.540 and 2002 c 302 s 509 are each amended to
12 read as follows:

13 (1) If a child has an acknowledged father, a signatory to the
14 acknowledgment or denial of paternity must commence any proceeding
15 seeking to rescind the acknowledgment or denial or challenge the
16 paternity of ((that)) the child only within the time allowed under RCW
17 26.26.330 or 26.26.335.

18 (2) If a child has an acknowledged father or an adjudicated
19 ((father)) parent, an individual, other than the child, who is neither
20 a signatory to the acknowledgment nor a party to the adjudication and
21 who seeks an adjudication of ((paternity)) parentage of the child must
22 commence a proceeding not later than ((two)) four years after the
23 effective date of the acknowledgment or adjudication. If an action is
24 commenced more than two years after the birth of the child, the child
25 must be made a party to the action.

26 (3) A proceeding under this section is subject to RCW 26.26.535.

27 **Sec. 35.** RCW 26.26.545 and 2002 c 302 s 510 are each amended to
28 read as follows:

29 (1) Except as otherwise provided in subsection (2) of this section,
30 a proceeding to adjudicate parentage may be joined with a proceeding
31 for: Adoption or termination of parental rights under chapter 26.33
32 RCW; determination of a parenting plan, child support, annulment,
33 dissolution of marriage, dissolution of a domestic partnership, or
34 legal separation under chapter 26.09 or 26.19 RCW; or probate or
35 administration of an estate under chapter 11.48 or 11.54 RCW, or other
36 appropriate proceeding.

1 (2) A respondent may not join ~~((the))~~ a proceeding~~((s))~~ described
2 in subsection (1) of this section with a proceeding to adjudicate
3 parentage brought under chapter 26.21A RCW.

4 **Sec. 36.** RCW 26.26.550 and 2002 c 302 s 511 are each amended to
5 read as follows:

6 ~~((Although))~~ A proceeding to ~~((determine))~~ adjudicate parentage may
7 be commenced before the birth of the child, ~~((the proceeding))~~ but may
8 not be concluded until after the birth of the child. The following
9 actions may be taken before the birth of the child:

- 10 (1) Service of process;
- 11 (2) Discovery;
- 12 (3) Except as prohibited by RCW 26.26.405, collection of specimens
13 for genetic testing; and
- 14 (4) Temporary orders authorized under RCW 26.26.590.

15 **Sec. 37.** RCW 26.26.555 and 2002 c 302 s 512 are each amended to
16 read as follows:

17 (1) Unless specifically required under other provisions of this
18 chapter, a minor child is a permissible party, but is not a necessary
19 party to a proceeding under RCW 26.26.500 through 26.26.630.

20 (2) If ~~((the))~~ a minor or incapacitated child is a party, or if the
21 court finds that the interests of ~~((a minor child or incapacitated))~~
22 the child are not adequately represented, the court shall appoint a
23 guardian ad litem to represent the child, subject to RCW 74.20.310
24 ~~((neither the child's mother or father))~~. A parent of the child may
25 not represent the child as guardian or ~~((otherwise))~~ in any other
26 capacity.

27 **Sec. 38.** RCW 26.26.570 and 2002 c 302 s 521 are each amended to
28 read as follows:

29 (1) Except as otherwise provided in subsection (3) of this section,
30 a record of a genetic testing expert is admissible as evidence of the
31 truth of the facts asserted in the report unless a party objects to its
32 admission within fourteen days after its receipt by the objecting party
33 and cites specific grounds for exclusion. The admissibility of the
34 report is not affected by whether the testing was performed:

1 (a) Voluntarily or under an order of the court or a support
2 enforcement agency; or

3 (b) Before or after the commencement of the proceeding.

4 (2) A party objecting to the results of genetic testing may call
5 one or more genetic testing experts to testify in person or by
6 telephone, videoconference, deposition, or another method approved by
7 the court. Unless otherwise ordered by the court, the party offering
8 the testimony bears the expense for the expert testifying.

9 (3) If a child has a presumed(~~(, acknowledged,)~~) or adjudicated
10 (~~(father)~~) parent or an acknowledged father, the results of genetic
11 testing are inadmissible to adjudicate parentage unless performed:

12 (a) With the consent of both the (~~(mother)~~) person with a parent-
13 child relationship with the child and the presumed(~~(, acknowledged,)~~)
14 or adjudicated (~~(father)~~) parent or an acknowledged father; or

15 (b) Under an order of the court under RCW 26.26.405.

16 (4) Copies of bills for genetic testing and for prenatal and
17 postnatal health care for the mother and child that are furnished to
18 the adverse party not less than ten days before the date of a hearing
19 are admissible to establish:

20 (a) The amount of the charges billed; and

21 (b) That the charges were reasonable, necessary, and customary.

22 **Sec. 39.** RCW 26.26.575 and 2002 c 302 s 522 are each amended to
23 read as follows:

24 (1) An order for genetic testing is enforceable by contempt.

25 (2) If an individual whose paternity is being determined declines
26 to submit to genetic testing (~~(as)~~) ordered by the court, the court for
27 that reason may (~~(on that basis)~~) adjudicate parentage contrary to the
28 position of that individual.

29 (3) Genetic testing of the mother of a child is not a condition
30 precedent to testing the child and a man whose paternity is being
31 determined. If the mother is unavailable or declines to submit to
32 genetic testing, the court may order the testing of the child and every
33 man whose paternity is being adjudicated.

34 (4) This section does not apply when the child was conceived
35 through assisted reproduction.

1 **Sec. 40.** RCW 26.26.585 and 2002 c 302 s 523 are each amended to
2 read as follows:

3 (1) A respondent in a proceeding to adjudicate parentage may admit
4 to the paternity of a child by filing a pleading to that effect or by
5 admitting paternity under penalty of perjury when making an appearance
6 or during a hearing.

7 (2) If the court finds that the admission of paternity (~~((was made~~
8 ~~under))~~) satisfies the requirements of this section and finds that there
9 is no reason to question the admission, the court shall issue an order
10 adjudicating the child to be the child of the man admitting paternity.

11 **Sec. 41.** RCW 26.26.590 and 2002 c 302 s 524 are each amended to
12 read as follows:

13 This section applies to any proceeding under RCW 26.26.500 through
14 26.26.630.

15 (1) The court shall issue a temporary order for support of a child
16 if the individual ordered to pay support:

17 (a) Is a presumed (~~((father))~~) parent of the child;

18 (b) Is petitioning to have his (~~((paternity))~~) or her parentage
19 adjudicated or has admitted (~~((paternity))~~) parentage in pleadings filed
20 with the court;

21 (c) Is identified as the father through genetic testing under RCW
22 26.26.420;

23 (d) Has declined to submit to genetic testing but is shown by clear
24 and convincing evidence to be the father of the child; or

25 (e) Is (~~((the mother of))~~) a person who has established a parent-
26 child relationship with the child.

27 (2) A temporary order may, on the same basis as provided in chapter
28 26.09 RCW, make residential provisions with regard to minor children of
29 the parties, except that a parenting plan is not required unless
30 requested by a parent.

31 (3) Any party may request the court to issue a temporary
32 restraining order or preliminary injunction, providing relief proper in
33 the circumstances, and restraining or enjoining any party from:

34 (a) Molesting or disturbing the peace of another party;

35 (b) Going onto the grounds of or entering the home, workplace, or
36 school of another party or the day care or school of any child;

1 (c) Knowingly coming within, or knowingly remaining within, a
2 specified distance from a specified location; and

3 (d) Removing a child from the jurisdiction of the court.

4 (4) Either party may request a domestic violence protection order
5 under chapter 26.50 RCW or an antiharassment protection order under
6 chapter 10.14 RCW on a temporary basis. The court may grant any of the
7 relief provided in RCW 26.50.060 except relief pertaining to
8 residential provisions for the children which provisions shall be
9 provided for under this chapter, and any of the relief provided in RCW
10 10.14.080. Ex parte orders issued under this subsection shall be
11 effective for a fixed period not to exceed fourteen days, or upon court
12 order, not to exceed twenty-four days if necessary to ensure that all
13 temporary motions in the case can be heard at the same time.

14 (5) Restraining orders issued under this section restraining or
15 enjoining the person from molesting or disturbing another party, or
16 from going onto the grounds of or entering the home, workplace, or
17 school of the other party or the day care or school of any child, or
18 prohibiting the person from knowingly coming within, or knowingly
19 remaining within, a specified distance of a location, shall prominently
20 bear on the front page of the order the legend: VIOLATION OF THIS
21 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
22 CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

23 (6) The court shall order that any temporary restraining order
24 bearing a criminal offense legend, any domestic violence protection
25 order, or any antiharassment protection order granted under this
26 section be forwarded by the clerk of the court on or before the next
27 judicial day to the appropriate law enforcement agency specified in the
28 order. Upon receipt of the order, the law enforcement agency shall
29 enter the order into any computer-based criminal intelligence
30 information system available in this state used by law enforcement
31 agencies to list outstanding warrants. The order is fully enforceable
32 in any county in the state.

33 (7) If a restraining order issued pursuant to this section is
34 modified or terminated, the clerk of the court shall notify the law
35 enforcement agency specified in the order on or before the next
36 judicial day. Upon receipt of notice that an order has been
37 terminated, the law enforcement agency shall remove the order from any
38 computer-based criminal intelligence system.

1 (8) The court may issue a temporary restraining order without
2 requiring notice to the other party only if it finds on the basis of
3 the moving affidavit or other evidence that irreparable injury could
4 result if an order is not issued until the time for responding has
5 elapsed.

6 (9) The court may issue a temporary restraining order or
7 preliminary injunction and an order for temporary support in such
8 amounts and on such terms as are just and proper in the circumstances.
9 In issuing the order, the court shall consider the provisions of RCW
10 9.41.800.

11 (10) A temporary order, temporary restraining order, or preliminary
12 injunction:

13 (a) Does not prejudice the rights of a party or any child which are
14 to be adjudicated at subsequent hearings in the proceeding;

15 (b) May be revoked or modified;

16 (c) Terminates when the final order is entered or when the petition
17 is dismissed; and

18 (d) May be entered in a proceeding for the modification of an
19 existing order.

20 (11) A support debt owed to the state for public assistance
21 expenditures which has been charged against a party pursuant to RCW
22 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
23 extinguished by, the final decree or order, unless the office of
24 support enforcement has been given notice of the final proceeding and
25 an opportunity to present its claim for the support debt to the court
26 and has failed to file an affidavit as provided in this subsection.
27 Notice of the proceeding shall be served upon the office of support
28 enforcement personally, or by certified mail, and shall be given no
29 fewer than thirty days prior to the date of the final proceeding. An
30 original copy of the notice shall be filed with the court either before
31 service or within a reasonable time thereafter. The office of support
32 enforcement may present its claim, and thereby preserve the support
33 debt, by filing an affidavit setting forth the amount of the debt with
34 the court, and by mailing a copy of the affidavit to the parties or
35 their attorney prior to the date of the final proceeding.

36 **Sec. 42.** RCW 26.26.600 and 2002 c 302 s 531 are each amended to
37 read as follows:

1 The court shall apply the following rules to adjudicate the
2 ((paternity)) parentage of a child:

3 (1) Except as provided in subsection (5) of this section, the
4 ((paternity)) parentage of a child having a presumed(~~(, acknowledged,)~~)
5 or adjudicated ((father)) parent or an acknowledged father may be
6 disproved only by admissible results of genetic testing excluding that
7 ((man)) person as the ((father)) parent of the child or identifying
8 another man ((to be)) as the father of the child.

9 (2) Unless the results of genetic testing are admitted to rebut
10 other results of genetic testing, the man identified as the father of
11 the child under RCW 26.26.420 must be adjudicated the father of the
12 child.

13 (3) If the court finds that genetic testing under RCW 26.26.420
14 neither identifies nor excludes a man as the father of a child, the
15 court may not dismiss the proceeding. In that event, the results of
16 genetic testing, ((along with)) and other evidence, are admissible to
17 adjudicate the issue of paternity.

18 (4) Unless the results of genetic testing are admitted to rebut
19 other results of genetic testing, a man excluded as the father of a
20 child by genetic testing must be adjudicated not to be the father of
21 the child.

22 (5) Subsections (1) through (4) of this section do not apply when
23 the child was conceived through assisted reproduction. The parentage
24 of a child conceived through assisted reproduction may be disproved
25 only by admissible evidence showing the intent of the presumed,
26 acknowledged, or adjudicated parent and the other parent.

27 **Sec. 43.** RCW 26.26.620 and 2002 c 302 s 535 are each amended to
28 read as follows:

29 The court may issue an order dismissing a proceeding commenced
30 under this chapter for want of prosecution only without prejudice. An
31 order of dismissal for want of prosecution purportedly with prejudice
32 is void and ((may be challenged in another judicial or an
33 administrative proceeding)) has only the effect of a dismissal without
34 prejudice.

35 **Sec. 44.** RCW 26.26.625 and 2002 c 302 s 536 are each amended to
36 read as follows:

1 (1) The court shall issue an order adjudicating whether a (~~man~~)
2 person alleged or claiming to be the (~~father~~) parent is the parent of
3 the child.

4 (2) An order adjudicating parentage must identify the child by name
5 and age.

6 (3) Except as otherwise provided in subsection (4) of this section,
7 the court may assess filing fees, reasonable attorneys' fees, fees for
8 genetic testing, other costs, and necessary travel and other reasonable
9 expenses incurred in a proceeding under this section and RCW 26.26.500
10 through 26.26.620 and 26.26.630. The court may award attorneys' fees,
11 which may be paid directly to the attorney, who may enforce the order
12 in the attorney's own name.

13 (4) The court may not assess fees, costs, or expenses against the
14 support enforcement agency of this state or another state, except as
15 provided by other law.

16 (5) On request of a party and for good cause shown, the court may
17 order that the name of the child be changed.

18 (6) If the order of the court is at variance with the child's birth
19 certificate, the court shall order the state registrar of vital
20 statistics to issue an amended birth certificate.

21 **Sec. 45.** RCW 26.26.630 and 2002 c 302 s 537 are each amended to
22 read as follows:

23 (1) Except as otherwise provided in subsection (2) of this section,
24 a determination of parentage is binding on:

25 (a) All signatories to an acknowledgment or denial of paternity as
26 provided in RCW 26.26.300 through 26.26.375; and

27 (b) All parties to an adjudication by a court acting under
28 circumstances that satisfy the jurisdictional requirements of RCW
29 (~~(26.21.075)~~) 26.21A.100.

30 (2) A child is not bound by a determination of parentage under this
31 chapter unless:

32 (a) The determination was based on an unrescinded acknowledgment of
33 paternity and the acknowledgment of paternity is consistent with the
34 results of the genetic testing;

35 (b) The adjudication of parentage was based on a finding consistent
36 with the results of genetic testing and the consistency is declared in

1 the determination or is otherwise shown, or in the case of a child
2 conceived through assisted reproduction, the adjudication of parentage
3 was based on evidence showing the intent of the parents; or

4 (c) The child was a party or was represented in the proceeding
5 determining parentage by a guardian ad litem.

6 (3) In a proceeding to dissolve a marriage or domestic partnership,
7 the court is deemed to have made an adjudication of the parentage of a
8 child if the court acts under circumstances that satisfy the
9 jurisdictional requirements of RCW ((26.21.075)) 26.21A.100, and the
10 final order:

11 (a) Expressly identifies a child as a "child of the marriage,"
12 "issue of the marriage," "child of the domestic partnership," "issue of
13 the domestic partnership," or similar words indicating that the
14 ((husband is the father)) spouses in the marriage or domestic partners
15 in the domestic partnership are the parents of the child; or

16 (b) Provides for support of the child by one or both of the
17 ((husband)) spouses or domestic partners unless ((paternity)) parentage
18 is specifically disclaimed in the order.

19 (4) Except as otherwise provided in subsection (2) of this section,
20 a determination of parentage may be a defense in a subsequent
21 proceeding seeking to adjudicate parentage by an individual who was not
22 a party to the earlier proceeding.

23 (5) A party to an adjudication of ((paternity)) parentage may
24 challenge the adjudication only under law of this state relating to
25 appeal, vacation of judgments, ((and)) or other judicial review.

26 **Sec. 46.** RCW 26.26.705 and 2002 c 302 s 602 are each amended to
27 read as follows:

28 A donor is not a parent of a child conceived by means of assisted
29 reproduction, unless otherwise agreed in a signed record by the donor
30 and the person or persons intending to be parents of a child conceived
31 through assisted reproduction.

32 **Sec. 47.** RCW 26.26.710 and 2002 c 302 s 603 are each amended to
33 read as follows:

34 ((If a husband provides sperm for, or consents to, assisted
35 reproduction by his wife as provided in RCW 26.26.715, he is the father
36 of a resulting child born to his wife.)) A person who provides gametes

1 for, or consents in a signed record to assisted reproduction with
2 another person, with the intent to be the parent of the child born, is
3 the parent of the resulting child.

4 **Sec. 48.** RCW 26.26.715 and 2002 c 302 s 604 are each amended to
5 read as follows:

6 (1) (~~(A consent to assisted reproduction by a married woman must be~~
7 ~~in a record signed by the woman and her husband.)~~) Consent by a couple
8 who intend to be parents of a child conceived by assisted reproduction
9 must be in a record signed by both persons. This requirement does not
10 apply to (~~(the donation of eggs for assisted reproduction by another~~
11 ~~woman)~~) a donor.

12 (2) Failure of the (~~(husband)~~) person to sign a consent required by
13 subsection (1) of this section, before or after birth of the child,
14 does not preclude a finding (~~(that the husband is the father of a child~~
15 ~~born to his wife if the wife and husband openly treated)~~) of parentage
16 if the persons resided together in the same household with the child
17 and openly held out the child as their own.

18 **Sec. 49.** RCW 26.26.720 and 2002 c 302 s 605 are each amended to
19 read as follows:

20 (1) Except as otherwise provided in subsection (2) of this section,
21 (~~(the husband of a wife)~~) a spouse or domestic partner of a woman who
22 gives birth to a child by means of assisted reproduction, or a spouse
23 or domestic partner of a man who has a child by means of assisted
24 reproduction, may not challenge his (~~(paternity)~~) or her parentage of
25 the child unless:

26 (a) Within (~~(two)~~) four years after learning of the birth of the
27 child (~~(he)~~) the person commences a proceeding to adjudicate his
28 (~~(paternity)~~) or her parentage. In actions commenced more than two
29 years after the birth of the child, the child must be made a party to
30 the action; and

31 (b) The court finds that (~~(he)~~) the person did not consent to the
32 assisted reproduction, before or after birth of the child.

33 (2) A proceeding to adjudicate (~~(paternity)~~) parentage may be
34 maintained at any time if the court determines that:

35 (a) The (~~(husband)~~) spouse or domestic partner did not provide

1 (~~sperm~~) gametes for, or before or after the birth of the child
2 consent to, assisted reproduction by his (~~wife~~) or her spouse or
3 domestic partner;

4 (b) The (~~husband and the mother~~) spouse or domestic partner and
5 the parent of the child have not cohabited since the probable time of
6 assisted reproduction; and

7 (c) The (~~husband~~) spouse or domestic partner never openly
8 (~~treated~~) held out the child as his or her own.

9 (3) The limitation provided in this section applies to a marriage
10 or domestic partnership declared invalid after assisted reproduction.

11 **Sec. 50.** RCW 26.26.725 and 2002 c 302 s 606 are each amended to
12 read as follows:

13 (1) If a marriage or domestic partnership is dissolved before
14 placement of eggs, sperm, or an embryo, the former spouse or former
15 domestic partner is not a parent of the resulting child unless the
16 former spouse or former domestic partner consented in a signed record
17 that if assisted reproduction were to occur after a (~~divorce~~)
18 dissolution, the former spouse or former domestic partner would be a
19 parent of the child.

20 (2) The consent of the former spouse or former domestic partner to
21 assisted reproduction may be (~~revoked~~) withdrawn by that individual
22 in a record at any time before placement of eggs, sperm, or embryos.
23 An individual who withdraws consent under this section is not a parent
24 of the resulting child.

25 **Sec. 51.** RCW 26.26.730 and 2002 c 302 s 607 are each amended to
26 read as follows:

27 If (~~a spouse~~) an individual who consented in a record to be a
28 parent by assisted reproduction dies before placement of eggs, sperm,
29 or an embryo, the deceased (~~spouse~~) individual is not a parent of the
30 resulting child unless the deceased (~~spouse~~) individual consented in
31 a signed record that if assisted reproduction were to occur after
32 death, the deceased (~~spouse~~) individual would be a parent of the
33 child.

34 **Sec. 52.** RCW 26.26.735 and 2002 c 302 s 608 are each amended to
35 read as follows:

1 The donor of ((~~ovum~~)) eggs provided to a licensed physician for use
2 in ((~~the alternative reproductive medical technology process~~)) assisted
3 reproduction for the purpose of attempting to achieve a pregnancy in a
4 woman other than the donor is treated in law as if she were not the
5 ((~~natural mother~~)) parent of a child thereafter conceived and born
6 unless the donor and the woman who gives birth to a child as a result
7 of the ((~~alternative reproductive medical technology procedures~~))
8 assisted reproduction agree in writing that the donor is to be a
9 parent. RCW 26.26.705 does not apply in such case. A woman who gives
10 birth to a child conceived through ((~~alternative reproductive medical~~
11 ~~technology procedures~~)) assisted reproduction under the supervision and
12 with the assistance of a licensed physician is treated in law as if she
13 were the ((~~natural mother~~)) parent of the child unless an agreement in
14 writing signed by an ((~~ovum~~)) egg donor and the woman giving birth to
15 the child states otherwise. An agreement pursuant to this section must
16 be in writing and signed by the ((~~ovum~~)) egg donor and the woman who
17 gives birth to the child and any other intended parent of the child.
18 The physician shall certify the parties' signatures and the date of the
19 ((~~ovum~~)) egg harvest, identify the subsequent medical procedures
20 undertaken, and identify the intended parents. The agreement,
21 including the affidavit and certification ((~~referenced in RCW~~
22 ~~26.26.030~~)), must be filed with the registrar of vital statistics,
23 where it must be kept confidential and in a sealed file.

24 NEW SECTION. Sec. 53. A new section is added to chapter 26.26 RCW
25 to read as follows:

26 (1) A person who donates gametes to a fertility clinic in
27 Washington to be used in assisted reproduction shall provide, at a
28 minimum, his or her identifying information and medical history to the
29 fertility clinic. The fertility clinic shall keep the identifying
30 information and medical history of its donors and shall disclose the
31 information as provided under subsection (2) of this section.

32 (2) (a) A child conceived through assisted reproduction who is at
33 least eighteen years old shall be provided, upon his or her request,
34 access to identifying information of the donor who provided gametes for
35 the assisted reproduction that resulted in the birth of the child,
36 unless the donor has signed an affidavit of nondisclosure with the
37 fertility clinic that provided the gamete for assisted reproduction.

1 (b) Regardless of whether the donor signed an affidavit of
2 nondisclosure, a child conceived through assisted reproduction who is
3 at least eighteen years old shall be provided, upon his or her request,
4 access to the nonidentifying medical history of the donor who provided
5 gametes for the assisted reproduction that resulted in the birth of the
6 child.

7 **Sec. 54.** RCW 26.26.903 and 2002 c 302 s 709 are each amended to
8 read as follows:

9 In applying and construing this uniform act, consideration must be
10 given to the need to promote uniformity of the law with respect to its
11 subject matter among states that enact it and to the intent that the
12 act apply to persons of the same sex who have children together to the
13 same extent the act applies to persons of the opposite sex who have
14 children together.

15 **Sec. 55.** RCW 26.26.911 and 2002 c 302 s 101 are each amended to
16 read as follows:

17 This act may be known and cited as the uniform parentage act of
18 2002.

19 NEW SECTION. **Sec. 56.** Any action taken by an agency to implement
20 the provisions of this act must be accomplished within existing
21 resources. Any costs incurred by the administrative office of the
22 courts for modifications to the judicial information system as a result
23 of the provisions of this act shall be paid from the judicial
24 information system account.

25 NEW SECTION. **Sec. 57.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 58.** This act applies to causes of action filed
30 on or after the effective date of this section.

Passed by the House April 21, 2011.

Passed by the Senate April 21, 2011.

Approved by the Governor May 10, 2011.

Filed in Office of Secretary of State May 11, 2011.