

2 **2SHB 2346** - S AMD 739  
3 By Senators Regala and Winsley

4 ADOPTED 03/07/02

5 Strike everything after the enacting clause and insert the  
6 following:

7 **"ARTICLE 1**  
8 **GENERAL PROVISIONS**

9 NEW SECTION. **Sec. 101.** SHORT TITLE. This act may be known and  
10 cited as the uniform parentage act.

11 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this  
12 section apply throughout this chapter unless the context clearly  
13 requires otherwise.

14 (1) "Acknowledged father" means a man who has established a father-  
15 child relationship under sections 301 through 316 of this act.

16 (2) "Adjudicated father" means a man who has been adjudicated by a  
17 court of competent jurisdiction to be the father of a child.

18 (3) "Alleged father" means a man who alleges himself to be, or is  
19 alleged to be, the genetic father or a possible genetic father of a  
20 child, but whose paternity has not been determined. The term does not  
21 include:

22 (a) A presumed father;

23 (b) A man whose parental rights have been terminated or declared  
24 not to exist; or

25 (c) A male donor.

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

28 (a) Intrauterine insemination;

29 (b) Donation of eggs;

30 (c) Donation of embryos;

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

32 (e) Intracytoplasmic sperm injection.

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

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

4 (7) "Determination of parentage" means the establishment of the  
5 parent-child relationship by the signing of a valid acknowledgment of  
6 paternity under sections 301 through 316 of this act or adjudication by  
7 the court.

8 (8) "Donor" means an individual who produces eggs or sperm used for  
9 assisted reproduction, whether or not for consideration. The term does  
10 not include:

11 (a) A husband who provides sperm, or a wife who provides eggs, to  
12 be used for assisted reproduction by the wife; or

13 (b) A woman who gives birth to a child by means of assisted  
14 reproduction, except as otherwise provided in RCW 26.26.210 through  
15 26.26.260 or section 608 of this act.

16 (9) "Ethnic or racial group" means, for purposes of genetic  
17 testing, a recognized group that an individual identifies as all or  
18 part of his or her ancestry or that is so identified by other  
19 information.

20 (10) "Genetic testing" means an analysis of genetic markers only to  
21 exclude or identify a man as the father or a woman as the mother of a  
22 child. The term includes an analysis of one or a combination of the  
23 following:

24 (a) Deoxyribonucleic acid; and

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

27 (11) "Man" means a male individual of any age.

28 (12) "Parent" means an individual who has established a parent-  
29 child relationship under section 201 of this act.

30 (13) "Parent-child relationship" means the legal relationship  
31 between a child and a parent of the child. The term includes the  
32 mother-child relationship and the father-child relationship.

33 (14) "Paternity index" means the likelihood of paternity calculated  
34 by computing the ratio between:

35 (a) The likelihood that the tested man is the father, based on the  
36 genetic markers of the tested man, mother, and child, conditioned on  
37 the hypothesis that the tested man is the father of the child; and

38 (b) The likelihood that the tested man is not the father, based on  
39 the genetic markers of the tested man, mother, and child, conditioned

1 on the hypothesis that the tested man is not the father of the child  
2 and that the father is from the same ethnic or racial group as the  
3 tested man.

4 (15) "Presumed father" means a man who, under section 204 of this  
5 act, is recognized to be the father of a child until that status is  
6 rebutted or confirmed in a judicial proceeding.

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

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

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

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

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

25 (a) Enforcement of support orders or laws relating to the duty of  
26 support;

27 (b) Establishment or modification of child support;

28 (c) Determination of parentage; or

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

30 NEW SECTION. **Sec. 103.** SCOPE OF ACT--CHOICE OF LAW. (1) This  
31 chapter governs every determination of parentage in this state.

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

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

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

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

1 (4) If a birth results under a surrogate parentage contract that is  
2 unenforceable under the law of this state, the parent-child  
3 relationship is determined as provided in sections 201 through 204 of  
4 this act.

5 NEW SECTION. **Sec. 104.** COURT OF THIS STATE. The superior courts  
6 of this state are authorized to adjudicate parentage under this  
7 chapter.

8 NEW SECTION. **Sec. 105.** PROTECTION OF PARTICIPANTS. Proceedings  
9 under this chapter are subject to other law of this state governing the  
10 health, safety, privacy, and liberty of a child or other individuals  
11 that could be jeopardized by disclosure of identifying information,  
12 including the address, telephone number, place of employment, social  
13 security number, and the child's day-care facility and school.

14 NEW SECTION. **Sec. 106.** DETERMINATION OF MATERNITY. The  
15 provisions relating to determination of paternity may be applied to a  
16 determination of maternity.

17 **ARTICLE 2**

18 **PARENT-CHILD RELATIONSHIP**

19 NEW SECTION. **Sec. 201.** ESTABLISHMENT OF PARENT-CHILD  
20 RELATIONSHIP. (1) The mother-child relationship is established between  
21 a child and a woman by:

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

24 (b) An adjudication of the woman's maternity;

25 (c) Adoption of the child by the woman;

26 (d) A valid surrogate parentage contract, under which the mother is  
27 an intended parent of the child, as provided in RCW 26.26.210 through  
28 26.26.260; or

29 (e) An affidavit and physician's certificate in a form prescribed  
30 by the department of health wherein the donor of ovum or surrogate  
31 gestation carrier sets forth her intent to be legally bound as the  
32 parent of a child or children born through alternative reproductive  
33 medical technology by filing the affidavit and physician's certificate

1 with the registrar of vital statistics within ten days after the date  
2 of the child's birth pursuant to section 608 of this act.

3 (2) The father-child relationship is established between a child  
4 and a man by:

5 (a) An un rebutted presumption of the man's paternity of the child  
6 under section 204 of this act;

7 (b) The man's having signed an acknowledgment of paternity under  
8 sections 301 through 316 of this act, unless the acknowledgment has  
9 been rescinded or successfully challenged;

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

11 (d) Adoption of the child by the man;

12 (e) The man's having consented to assisted reproduction by his wife  
13 under sections 601 through 607 of this act that resulted in the birth  
14 of the child; or

15 (f) A valid surrogate parentage contract, under which the father is  
16 an intended parent of the child, as provided in RCW 26.26.210 through  
17 26.26.260.

18 NEW SECTION. **Sec. 202.** NO DISCRIMINATION BASED ON MARITAL STATUS.  
19 A child born to parents who are not married to each other has the same  
20 rights under the law as a child born to parents who are married to each  
21 other.

22 NEW SECTION. **Sec. 203.** CONSEQUENCES OF ESTABLISHMENT OF  
23 PARENTAGE. Unless parental rights are terminated, the parent-child  
24 relationship established under this chapter applies for all purposes,  
25 except as otherwise provided by other law of this state.

26 NEW SECTION. **Sec. 204.** PRESUMPTION OF PATERNITY IN CONTEXT OF  
27 MARRIAGE. (1) A man is presumed to be the father of a child if:

28 (a) He and the mother of the child are married to each other and  
29 the child is born during the marriage;

30 (b) He and the mother of the child were married to each other and  
31 the child is born within three hundred days after the marriage is  
32 terminated by death, annulment, dissolution of marriage, legal  
33 separation, or declaration of invalidity;

34 (c) Before the birth of the child, he and the mother of the child  
35 married each other in apparent compliance with law, even if the  
36 attempted marriage is, or could be, declared invalid and the child is

1 born during the invalid marriage or within three hundred days after its  
2 termination by death, annulment, dissolution of marriage, legal  
3 separation, or declaration of invalidity; or

4 (d) After the birth of the child, he and the mother of the child  
5 have married each other in apparent compliance with law, whether or not  
6 the marriage is, or could be declared invalid, and he voluntarily  
7 asserted his paternity of the child, and:

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

10 (ii) Agreed to be and is named as the child's father on the child's  
11 birth certificate; or

12 (iii) Promised in a record to support the child as his own.

13 (2) A presumption of paternity established under this section may  
14 be rebutted only by an adjudication under sections 501 through 537 of  
15 this act.

### 16 ARTICLE 3

#### 17 VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

18 NEW SECTION. **Sec. 301.** ACKNOWLEDGMENT OF PATERNITY. The mother  
19 of a child and a man claiming to be the father of the child conceived  
20 as the result of his sexual intercourse with the mother may sign an  
21 acknowledgment of paternity with intent to establish the man's  
22 paternity.

23 NEW SECTION. **Sec. 302.** EXECUTION OF ACKNOWLEDGMENT OF PATERNITY.

24 (1) An acknowledgment of paternity must:

25 (a) Be in a record;

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

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

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

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

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

35 (e) State that the signatories understand that the acknowledgment  
36 is the equivalent of a judicial adjudication of paternity of the child

1 and that a challenge to the acknowledgment is permitted only under  
2 limited circumstances and is barred after two years.

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

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

7 (b) States that another man is an acknowledged or adjudicated  
8 father; or

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

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

12 NEW SECTION. Sec. 303. DENIAL OF PATERNITY. A presumed father of  
13 a child may sign a denial of his paternity. The denial is valid only  
14 if:

15 (1) An acknowledgment of paternity signed by another man is filed  
16 under section 305 of this act;

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

19 (3) The presumed father has not previously:

20 (a) Acknowledged his paternity, unless the previous acknowledgment  
21 has been rescinded under section 307 of this act or successfully  
22 challenged under section 308 of this act; or

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

24 NEW SECTION. Sec. 304. RULES FOR ACKNOWLEDGMENT AND DENIAL OF  
25 PATERNITY. (1) An acknowledgment of paternity and a denial of  
26 paternity may be contained in a single document or may be signed in  
27 counterparts, and may be filed separately or simultaneously.

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

30 (3) An acknowledgment and denial of paternity, if any, take effect  
31 on the birth of the child or the filing of the document with the state  
32 registrar of vital statistics, whichever occurs later.

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

35 NEW SECTION. Sec. 305. EFFECT OF ACKNOWLEDGMENT OR DENIAL OF  
36 PATERNITY. (1) Except as otherwise provided in sections 307 and 308 of

1 this act, a valid acknowledgment of paternity filed with the state  
2 registrar of vital statistics is equivalent to an adjudication of  
3 paternity of a child and confers upon the acknowledged father all the  
4 rights and duties of a parent.

5 (2) Except as otherwise provided in sections 307 and 308 of this  
6 act, a valid denial of paternity filed with the state registrar of  
7 vital statistics in conjunction with a valid acknowledgment of  
8 paternity is equivalent to an adjudication of the nonpaternity of the  
9 presumed father and discharges the presumed father from all of the  
10 rights and duties of a parent.

11 NEW SECTION. **Sec. 306.** FILING FEE. The state registrar of vital  
12 statistics may charge a fee for filing an acknowledgment or denial of  
13 paternity.

14 NEW SECTION. **Sec. 307.** PROCEEDING FOR RESCISSION. A signatory  
15 may rescind an acknowledgment or denial of paternity by commencing a  
16 court proceeding to rescind before the earlier of:

17 (1) Sixty days after the effective date of the filing of the  
18 acknowledgment or denial, as provided in section 304 of this act; or

19 (2) The date of the first hearing in a proceeding to which the  
20 signatory is a party before a court to adjudicate an issue relating to  
21 the child, including a proceeding that establishes support.

22 NEW SECTION. **Sec. 308.** CHALLENGE AFTER EXPIRATION OF TIME FOR  
23 RESCISSION. (1) After the period for rescission under section 307 of  
24 this act has elapsed, a signatory of an acknowledgment or denial of  
25 paternity may commence a proceeding to challenge the acknowledgment or  
26 denial only:

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

28 (b) Within two years after the acknowledgment or denial is filed  
29 with the state registrar of vital statistics.

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

32 NEW SECTION. **Sec. 309.** PROCEDURE FOR RESCISSION OR CHALLENGE.

33 (1) Every signatory to an acknowledgment or denial of paternity must be  
34 made a party to a proceeding to rescind or challenge the acknowledgment  
35 or denial.

1 (2) For the purpose of rescission of, or challenge to, an  
2 acknowledgment or denial of paternity, a signatory submits to personal  
3 jurisdiction of this state by signing the acknowledgment or denial,  
4 effective upon the filing of the document with the state registrar of  
5 vital statistics.

6 (3) Except for good cause shown, during the pendency of a  
7 proceeding to rescind or challenge an acknowledgment or denial of  
8 paternity, the court may not suspend the legal responsibilities of a  
9 signatory arising from an acknowledgment, including the duty to pay  
10 child support.

11 (4) A proceeding to rescind or to challenge an acknowledgment or  
12 denial of paternity must be conducted in the same manner as a  
13 proceeding to adjudicate parentage under sections 501 through 537 of  
14 this act.

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

19 NEW SECTION. **Sec. 310.** RATIFICATION BARRED. A court or  
20 administrative agency conducting a judicial or administrative  
21 proceeding is not required or permitted to ratify an unchallenged  
22 acknowledgment of paternity.

23 NEW SECTION. **Sec. 311.** FULL FAITH AND CREDIT. A court of this  
24 state shall give full faith and credit to an acknowledgment or denial  
25 of paternity effective in another state if the acknowledgment or denial  
26 has been signed and is otherwise in compliance with the law of the  
27 other state.

28 NEW SECTION. **Sec. 312.** FORMS FOR ACKNOWLEDGMENT AND DENIAL OF  
29 PATERNITY. (1) To facilitate compliance with sections 301 through 311  
30 of this act, the state registrar of vital statistics shall prescribe  
31 forms for the acknowledgment and the denial of paternity. The  
32 acknowledgment of paternity shall state, in prominent lettering, that  
33 signing the acknowledgment of paternity is equivalent to an  
34 adjudication of paternity and confers upon the acknowledged father all  
35 the rights and duties of a parent, such as the payment of child  
36 support, if the acknowledgment is not challenged or rescinded as

1 prescribed under sections 303 through 309 of this act. The form shall  
2 include copies of the provisions in sections 303 through 309 of this  
3 act.

4 (2) A valid acknowledgment or denial of paternity is not affected  
5 by a later modification of the prescribed form.

6 NEW SECTION. **Sec. 313.** RELEASE OF INFORMATION. The state  
7 registrar of vital statistics may release information relating to the  
8 acknowledgment or denial of paternity, not expressly sealed under a  
9 court order, to: (1) A signatory of the acknowledgment or denial or  
10 their attorneys of record; (2) the courts of this or any other state;  
11 (3) the agencies of this or any other state operating a child support  
12 program under Title IV-D of the social security act; or (4) the  
13 agencies of this or any other state involved in a dependency  
14 determination for a child named in the acknowledgment or denial of  
15 paternity.

16 NEW SECTION. **Sec. 314.** ADOPTION OF RULES. The state registrar of  
17 vital statistics may adopt rules to implement sections 301 through 316  
18 of this act.

19 NEW SECTION. **Sec. 315.** (1) Sections 301 through 316 of this act  
20 apply to all acknowledgments of paternity executed on or after July 1,  
21 1997.

22 (2) A man who executed an acknowledgment of paternity before July  
23 1, 1997, is rebuttably identified as the father of the child named  
24 therein. Any dispute of the parentage, custody, visitation, or support  
25 of the child named therein shall be determined in a proceeding to  
26 adjudicate the child's parentage commenced under sections 501 through  
27 537 of this act.

28 NEW SECTION. **Sec. 316.** (1) After the period for rescission of an  
29 acknowledgment of paternity provided in section 307 of this act has  
30 passed, a parent executing an acknowledgment of paternity of the child  
31 named therein may commence a judicial proceeding for:

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

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

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

5 (3) Before the period for a challenge to the acknowledgment or  
6 denial of paternity has elapsed under section 308 of this act, the  
7 petitioner must specifically allege under penalty of perjury, to the  
8 best of the petitioner's knowledge, that: (a) No man other than the  
9 man who executed the acknowledgment of paternity is the father of the  
10 child; (b) there is not currently pending a proceeding to adjudicate  
11 the parentage of the child or that another man is adjudicated the  
12 child's father; and (c) the petitioner has provided notice of the  
13 proceeding to any other men who have claimed parentage of the child.  
14 Should the respondent or any other person appearing in the action deny  
15 the allegations, a permanent parenting plan or residential schedule may  
16 not be entered for the child without the matter being converted to a  
17 proceeding to challenge the acknowledgment of paternity under sections  
18 308 and 309 of this act. A copy of the acknowledgment of paternity  
19 must be filed with the petition or response. The court may convert the  
20 matter to a proceeding to challenge the acknowledgment on its own  
21 motion.

22 **ARTICLE 4**  
23 **GENETIC TESTING**

24 NEW SECTION. **Sec. 401.** SCOPE. Sections 402 through 411 of this  
25 act govern genetic testing of an individual only to determine  
26 parentage, whether the individual:

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

30 NEW SECTION. **Sec. 402.** ORDER FOR TESTING. (1) Except as  
31 otherwise provided in this section and sections 403 through 537 of this  
32 act, the court shall order the child and other designated individuals  
33 to submit to genetic testing if the request for testing is supported by  
34 the sworn statement of a party to the proceeding:

- 35 (a) Alleging paternity and stating facts establishing a reasonable  
36 probability of the requisite sexual contact between the individuals; or

1 (b) Denying paternity and stating facts establishing a possibility  
2 that sexual contact between the individuals, if any, did not result in  
3 the conception of the child.

4 (2) A support enforcement agency may order genetic testing only if  
5 there is no presumed, acknowledged, or adjudicated father.

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

9 (4) If two or more men are subject to court-ordered genetic  
10 testing, the testing may be ordered concurrently or sequentially.

11 NEW SECTION. **Sec. 403.** REQUIREMENTS FOR GENETIC TESTING. (1)  
12 Genetic testing must be of a type reasonably relied upon by experts in  
13 the field of genetic testing and performed in a testing laboratory  
14 accredited by:

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

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

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

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

25 (3) Based on the ethnic or racial group of an individual, the  
26 testing laboratory shall determine the data bases from which to select  
27 frequencies for use in the calculations. If there is disagreement as  
28 to the testing laboratory's choice, the following rules apply:

29 (a) The individual objecting may require the testing laboratory,  
30 within thirty days after receipt of the report of the test, to  
31 recalculate the probability of paternity using an ethnic or racial  
32 group different from that used by the laboratory.

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

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

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

1 (c) The testing laboratory may use its own statistical estimate if  
2 there is a question regarding which ethnic or racial group is  
3 appropriate. If available, the testing laboratory shall calculate the  
4 frequencies using statistics for any other ethnic or racial group  
5 requested.

6 (4) If, after recalculation using a different ethnic or racial  
7 group, genetic testing does not rebuttably identify a man as the father  
8 of a child under section 405 of this act, an individual who has been  
9 tested may be required to submit to additional genetic testing.

10 NEW SECTION. Sec. 404. REPORT OF GENETIC TESTING. (1) The report  
11 of genetic testing must be in a record and signed under penalty of  
12 perjury by a designee of the testing laboratory. A report made under  
13 the requirements of this section is self-authenticating.

14 (2) Documentation from the testing laboratory of the following  
15 information is sufficient to establish a reliable chain of custody that  
16 allows the results of genetic testing to be admissible without  
17 testimony:

18 (a) The names and photographs of the individuals whose specimens  
19 have been taken;

20 (b) The names of the individuals who collected the specimens;

21 (c) The places and dates the specimens were collected;

22 (d) The names of the individuals who received the specimens in the  
23 testing laboratory; and

24 (e) The dates the specimens were received.

25 NEW SECTION. Sec. 405. GENETIC TESTING RESULTS--REBUTTAL. (1)  
26 Under this chapter, a man is rebuttably identified as the father of a  
27 child if the genetic testing complies with this section and sections  
28 401 through 404 and 406 through 411 of this act and the results  
29 disclose that:

30 (a) The man has at least a ninety-nine percent probability of  
31 paternity, using a prior probability of 0.50, as calculated by using  
32 the combined paternity index obtained in the testing; and

33 (b) A combined paternity index of at least one hundred to one.

34 (2) A man identified under subsection (1) of this section as the  
35 father of the child may rebut the genetic testing results only by other  
36 genetic testing satisfying the requirements of this section and  
37 sections 401 through 404 and 406 through 411 of this act which:

- 1 (a) Excludes the man as a genetic father of the child; or  
2 (b) Identifies another man as the father of the child.  
3 (3) Except as otherwise provided in section 410 of this act, if  
4 more than one man is identified by genetic testing as the possible  
5 father of the child, the court shall order them to submit to further  
6 genetic testing to identify the genetic father.

7 NEW SECTION. Sec. 406. COSTS OF GENETIC TESTING. (1) Subject to  
8 assessment of costs under sections 501 through 537 of this act, the  
9 cost of initial genetic testing must be advanced:

10 (a) By a support enforcement agency in a proceeding in which the  
11 support enforcement agency is providing services;

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

13 (c) As agreed by the parties; or

14 (d) As ordered by the court.

15 (2) In cases in which the cost is advanced by the support  
16 enforcement agency, the agency may seek reimbursement from a man who is  
17 rebuttably identified as the father.

18 NEW SECTION. Sec. 407. ADDITIONAL GENETIC TESTING. The court or  
19 the support enforcement agency shall order additional genetic testing  
20 upon the request of a party who contests the result of the original  
21 testing. If the previous genetic testing identified a man as the  
22 father of the child under section 405 of this act, the court or agency  
23 may not order additional testing unless the party provides advance  
24 payment for the testing.

25 NEW SECTION. Sec. 408. GENETIC TESTING WHEN SPECIMEN NOT  
26 AVAILABLE. (1) If a genetic testing specimen is not available from a  
27 man who may be the father of a child, for good cause and under  
28 circumstances the court considers to be just, a court may order the  
29 following individuals to submit specimens for genetic testing:

30 (a) The parents of the man;

31 (b) Brothers and sisters of the man;

32 (c) Other children of the man and their mothers; and

33 (d) Other relatives of the man necessary to complete genetic  
34 testing.

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

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

7 NEW SECTION. **Sec. 409.** DECEASED INDIVIDUAL. For good cause  
8 shown, the court may order genetic testing of a deceased individual.

9 NEW SECTION. **Sec. 410.** IDENTICAL BROTHERS. (1) The court may  
10 order genetic testing of a brother of a man identified as the father of  
11 a child if the man is commonly believed to have an identical brother  
12 and evidence suggests that the brother may be the genetic father of the  
13 child.

14 (2) If genetic testing excludes none of the brothers as the genetic  
15 father, and each brother satisfies the requirements as the identified  
16 father of the child under section 405 of this act without consideration  
17 of another identical brother being identified as the father of the  
18 child, the court may rely on nongenetic evidence to adjudicate which  
19 brother is the father of the child.

20 NEW SECTION. **Sec. 411.** CONFIDENTIALITY OF GENETIC TESTING. (1)  
21 Release of the report of genetic testing for parentage is controlled by  
22 chapter 70.02 RCW.

23 (2) An individual commits a gross misdemeanor punishable under RCW  
24 9.92.020 if the individual intentionally releases an identifiable  
25 specimen of another individual for any purpose other than that relevant  
26 to the proceeding regarding parentage without a court order or the  
27 written permission of the individual who furnished the specimen.

28 **ARTICLE 5**

29 **PROCEEDING TO ADJUDICATE PARENTAGE**

30 **PART 1**

31 **NATURE OF PROCEEDING**

1        NEW SECTION.    **Sec. 501.**    PROCEEDING AUTHORIZED.    A civil proceeding  
2    may be maintained to adjudicate the parentage of a child.    The  
3    proceeding is governed by the rules of civil procedure.

4        NEW SECTION.    **Sec. 502.**    STANDING TO MAINTAIN PROCEEDING.    Subject  
5    to sections 301 through 316, 507, and 509 of this act, a proceeding to  
6    adjudicate parentage may be maintained by:

7        (1) The child;

8        (2) The mother of the child;

9        (3) A man whose paternity of the child is to be adjudicated;

10       (4) The division of child support;

11       (5) An authorized adoption agency or licensed child-placing agency;

12       (6) A representative authorized by law to act for an individual who  
13    would otherwise be entitled to maintain a proceeding but who is  
14    deceased, incapacitated, or a minor; or

15       (7) An intended parent under a surrogate parentage contract, as  
16    provided in RCW 26.26.210 through 26.26.260.

17       NEW SECTION.    **Sec. 503.**    PARTIES TO PROCEEDING.    The following  
18    individuals must be joined as parties in a proceeding to adjudicate  
19    parentage:

20       (1) The mother of the child;

21       (2) A man whose paternity of the child is to be adjudicated; and

22       (3) An intended parent under a surrogate parentage contract, as  
23    provided in RCW 26.26.210 through 26.26.260.

24       NEW SECTION.    **Sec. 504.**    PERSONAL JURISDICTION.    (1) An individual  
25    may not be adjudicated to be a parent unless the court has personal  
26    jurisdiction over the individual.

27       (2) A court of this state having jurisdiction to adjudicate  
28    parentage may exercise personal jurisdiction over a nonresident  
29    individual, or the guardian or conservator of the individual, if the  
30    conditions prescribed in RCW 26.21.075 are fulfilled.

31       (3) Lack of jurisdiction over one individual does not preclude the  
32    court from making an adjudication of parentage binding on another  
33    individual over whom the court has personal jurisdiction.

34       NEW SECTION.    **Sec. 505.**    VENUE.    Venue for a proceeding to  
35    adjudicate parentage is in the county of this state in which:

- 1 (1) The child resides or is found;  
2 (2) The respondent resides or is found if the child does not reside  
3 in this state; or  
4 (3) A proceeding for probate of the presumed or alleged father's  
5 estate has been commenced.

6 NEW SECTION. Sec. 506. NO LIMITATION: CHILD HAVING NO PRESUMED,  
7 ACKNOWLEDGED, OR ADJUDICATED FATHER. A proceeding to adjudicate the  
8 parentage of a child having no presumed, acknowledged, or adjudicated  
9 father may be commenced at any time during the life of the child, even  
10 after:

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

15 NEW SECTION. Sec. 507. LIMITATION: CHILD HAVING PRESUMED FATHER.

16 (1) Except as otherwise provided in subsection (2) of this section, a  
17 proceeding brought by a presumed father, the mother, or another  
18 individual to adjudicate the parentage of a child having a presumed  
19 father must be commenced not later than two years after the birth of  
20 the child.

21 (2) A proceeding seeking to disprove the father-child relationship  
22 between a child and the child's presumed father may be maintained at  
23 any time if the court determines that:

24 (a) The presumed father and the mother of the child neither  
25 cohabited nor engaged in sexual intercourse with each other during the  
26 probable time of conception; and

27 (b) The presumed father never openly treated the child as his own.

28 NEW SECTION. Sec. 508. AUTHORITY TO DENY GENETIC TESTING. (1) In  
29 a proceeding to adjudicate parentage under circumstances described in  
30 section 507 of this act, a court may deny genetic testing of the  
31 mother, the child, and the presumed father if the court determines  
32 that:

33 (a) The conduct of the mother or the presumed father estops that  
34 party from denying parentage; and

35 (b) It would be inequitable to disprove the father-child  
36 relationship between the child and the presumed father.

1 (2) In determining whether to deny genetic testing under this  
2 section, the court shall consider the best interest of the child,  
3 including the following factors:

4 (a) The length of time between the proceeding to adjudicate  
5 parentage and the time that the presumed father was placed on notice  
6 that he might not be the genetic father;

7 (b) The length of time during which the presumed father has assumed  
8 the role of father of the child;

9 (c) The facts surrounding the presumed father's discovery of his  
10 possible nonpaternity;

11 (d) The nature of the father-child relationship;

12 (e) The age of the child;

13 (f) The harm to the child which may result if presumed paternity is  
14 successfully disproved;

15 (g) The relationship of the child to any alleged father;

16 (h) The extent to which the passage of time reduces the chances of  
17 establishing the paternity of another man and a child support  
18 obligation in favor of the child; and

19 (i) Other factors that may affect the equities arising from the  
20 disruption of the father-child relationship between the child and the  
21 presumed father or the chance of other harm to the child.

22 (3) In a proceeding involving the application of this section, the  
23 child must be represented by a guardian ad litem.

24 (4) A denial of genetic testing must be based on clear and  
25 convincing evidence.

26 (5) If the court denies genetic testing, it shall issue an order  
27 adjudicating the presumed father to be the father of the child.

28 NEW SECTION. Sec. 509. LIMITATION: CHILD HAVING ACKNOWLEDGED OR  
29 ADJUDICATED FATHER. (1) If a child has an acknowledged father, a  
30 signatory to the acknowledgment or denial of paternity must commence  
31 any proceeding seeking to rescind or challenge the paternity of that  
32 child only within the time allowed under section 307 or 308 of this  
33 act.

34 (2) If a child has an acknowledged father or an adjudicated father,  
35 an individual, other than the child, who is neither a signatory to the  
36 acknowledgment nor a party to the adjudication and who seeks an  
37 adjudication of paternity of the child must commence a proceeding not

1 later than two years after the effective date of the acknowledgment or  
2 adjudication.

3 NEW SECTION. **Sec. 510.** JOINDER OF PROCEEDINGS. (1) Except as  
4 provided in subsection (2) of this section, a proceeding to adjudicate  
5 parentage may be joined with a proceeding for: Adoption or termination  
6 of parental rights under chapter 26.33 RCW; determination of a  
7 parenting plan, child support, annulment, dissolution of marriage, or  
8 legal separation under chapter 26.09 or 26.19 RCW; or probate or  
9 administration of an estate under chapter 11.48 or 11.54 RCW, or other  
10 appropriate proceeding.

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

14 NEW SECTION. **Sec. 511.** PROCEEDING BEFORE BIRTH. Although a  
15 proceeding to determine parentage may be commenced before the birth of  
16 the child, the proceeding may not be concluded until after the birth of  
17 the child. The following actions may be taken before the birth of the  
18 child:

19 (1) Service of process;

20 (2) Discovery;

21 (3) Except as prohibited by section 402 of this act, collection of  
22 specimens for genetic testing; and

23 (4) Temporary orders authorized under section 524 of this act.

24 NEW SECTION. **Sec. 512.** CHILD AS PARTY--REPRESENTATION. (1) A  
25 minor child is a permissible party, but is not a necessary party to a  
26 proceeding under sections 501 through 537 of this act.

27 (2) If the child is a party, or if the court finds that the  
28 interests of a minor child or incapacitated child are not adequately  
29 represented, the court shall appoint a guardian ad litem to represent  
30 the child, subject to RCW 74.20.310 neither the child's mother or  
31 father may represent the child as guardian or otherwise.

32 **PART 2**  
33 **SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE**

1        NEW SECTION.    **Sec. 521.**    ADMISSIBILITY OF RESULTS OF GENETIC  
2 TESTING--EXPENSES. (1) Except as otherwise provided in subsection (3)  
3 of this section, a record of a genetic testing expert is admissible as  
4 evidence of the truth of the facts asserted in the report unless a  
5 party objects to its admission within fourteen days after its receipt  
6 by the objecting party and cites specific grounds for exclusion. The  
7 admissibility of the report is not affected by whether the testing was  
8 performed:

9        (a) Voluntarily or under an order of the court or a support  
10 enforcement agency; or

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

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

17        (3) If a child has a presumed, acknowledged, or adjudicated father,  
18 the results of genetic testing are inadmissible to adjudicate parentage  
19 unless performed:

20        (a) With the consent of both the mother and the presumed,  
21 acknowledged, or adjudicated father; or

22        (b) Under an order of the court under section 402 of this act.

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

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

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

29        NEW SECTION.    **Sec. 522.**    CONSEQUENCES OF DECLINING GENETIC TESTING.  
30 (1) An order for genetic testing is enforceable by contempt.

31        (2) If an individual whose paternity is being determined declines  
32 to submit to genetic testing as ordered by the court, the court may on  
33 that basis adjudicate parentage contrary to the position of that  
34 individual.

35        (3) Genetic testing of the mother of a child is not a condition  
36 precedent to testing the child and a man whose paternity is being  
37 determined. If the mother is unavailable or declines to submit to

1 genetic testing, the court may order the testing of the child and every  
2 man whose paternity is being adjudicated.

3 NEW SECTION. **Sec. 523.** ADMISSION OF PATERNITY AUTHORIZED. (1) A  
4 respondent in a proceeding to adjudicate parentage may admit to the  
5 paternity of a child by filing a pleading to that effect or by  
6 admitting paternity under penalty of perjury when making an appearance  
7 or during a hearing.

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

12 NEW SECTION. **Sec. 524.** TEMPORARY ORDER. This section applies to  
13 any proceeding under sections 501 through 537 of this act.

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

16 (a) Is a presumed father of the child;

17 (b) Is petitioning to have his paternity adjudicated or has  
18 admitted paternity in pleadings filed with the court;

19 (c) Is identified as the father through genetic testing under  
20 section 405 of this act;

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

23 (e) Is the mother of the child.

24 (2) A temporary order may, on the same basis as provided in chapter  
25 26.09 RCW, make residential provisions with regard to minor children of  
26 the parties, except that a parenting plan is not required unless  
27 requested by a parent.

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

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

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

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

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

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

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

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

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

36 (8) The court may issue a temporary restraining order without  
37 requiring notice to the other party only if it finds on the basis of  
38 the moving affidavit or other evidence that irreparable injury could

1 result if an order is not issued until the time for responding has  
2 elapsed.

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

8 (10) A temporary order, temporary restraining order, or preliminary  
9 injunction:

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

12 (b) May be revoked or modified;

13 (c) Terminates when the final order is entered or when the petition  
14 is dismissed; and

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

17 (11) A support debt owed to the state for public assistance  
18 expenditures which has been charged against a party pursuant to RCW  
19 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
20 extinguished by, the final decree or order, unless the office of  
21 support enforcement has been given notice of the final proceeding and  
22 an opportunity to present its claim for the support debt to the court  
23 and has failed to file an affidavit as provided in this subsection.  
24 Notice of the proceeding shall be served upon the office of support  
25 enforcement personally, or by certified mail, and shall be given no  
26 fewer than thirty days prior to the date of the final proceeding. An  
27 original copy of the notice shall be filed with the court either before  
28 service or within a reasonable time thereafter. The office of support  
29 enforcement may present its claim, and thereby preserve the support  
30 debt, by filing an affidavit setting forth the amount of the debt with  
31 the court, and by mailing a copy of the affidavit to the parties or  
32 their attorney prior to the date of the final proceeding.

33 **PART 3**

34 **HEARINGS AND ADJUDICATION**

35 NEW SECTION. **Sec. 531.** RULES FOR ADJUDICATION OF PATERNITY. The  
36 court shall apply the following rules to adjudicate the paternity of a  
37 child:

1 (1) The paternity of a child having a presumed, acknowledged, or  
2 adjudicated father may be disproved only by admissible results of  
3 genetic testing excluding that man as the father of the child or  
4 identifying another man to be the father of the child.

5 (2) Unless the results of genetic testing are admitted to rebut  
6 other results of genetic testing, the man identified as the father of  
7 the child under section 405 of this act must be adjudicated the father  
8 of the child.

9 (3) If the court finds that genetic testing under section 405 of  
10 this act neither identifies nor excludes a man as the father of a  
11 child, the court may not dismiss the proceeding. In that event, the  
12 results of genetic testing, along with other evidence, are admissible  
13 to adjudicate the issue of paternity.

14 (4) Unless the results of genetic testing are admitted to rebut  
15 other results of genetic testing, a man excluded as the father of a  
16 child by genetic testing must be adjudicated not to be the father of  
17 the child.

18 NEW SECTION. Sec. 532. JURY PROHIBITED. The court, without a  
19 jury, shall adjudicate parentage of a child.

20 NEW SECTION. Sec. 533. HEARINGS--INSPECTION OF RECORDS. (1) On  
21 request of a party and for good cause shown, the court may close a  
22 proceeding under this section and sections 501 through 532 and 534  
23 through 537 of this act.

24 (2) A final order in a proceeding under this section and sections  
25 501 through 532 and 534 through 537 of this act is available for public  
26 inspection. Other papers and records are available only with the  
27 consent of the parties or on order of the court for good cause.

28 NEW SECTION. Sec. 534. ORDER ON DEFAULT. The court shall issue  
29 an order adjudicating the paternity of a man who:

30 (1) After service of process, is in default; and

31 (2) Is found by the court to be the father of a child.

32 NEW SECTION. Sec. 535. DISMISSAL FOR WANT OF PROSECUTION. The  
33 court may issue an order dismissing a proceeding commenced under this  
34 chapter for want of prosecution only without prejudice. An order of

1 dismissal for want of prosecution with prejudice is void and may be  
2 challenged in another judicial or an administrative proceeding.

3 NEW SECTION. **Sec. 536.** ORDER ADJUDICATING PARENTAGE. (1) The  
4 court shall issue an order adjudicating whether a man alleged or  
5 claiming to be the father is the parent of the child.

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

8 (3) Except as otherwise provided in subsection (4) of this section,  
9 the court may assess filing fees, reasonable attorneys' fees, fees for  
10 genetic testing, other costs, and necessary travel and other reasonable  
11 expenses incurred in a proceeding under this section and sections 501  
12 through 535 and 537 of this act. The court may award attorneys' fees,  
13 which may be paid directly to the attorney, who may enforce the order  
14 in the attorney's own name.

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

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

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

23 NEW SECTION. **Sec. 537.** BINDING EFFECT OF DETERMINATION OF  
24 PARENTAGE. (1) Except as otherwise provided in subsection (2) of this  
25 section, a determination of parentage is binding on:

26 (a) All signatories to an acknowledgment or denial of paternity as  
27 provided in sections 301 through 316 of this act; and

28 (b) All parties to an adjudication by a court acting under  
29 circumstances that satisfy the jurisdictional requirements of RCW  
30 26.21.075.

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

33 (a) The acknowledgment of paternity is consistent with the results  
34 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  
37 the determination or is otherwise shown; or

1 (c) The child was represented in the proceeding determining  
2 parentage by a guardian ad litem.

3 (3) In a proceeding to dissolve a marriage, the court is deemed to  
4 have made an adjudication of the parentage of a child if the court acts  
5 under circumstances that satisfy the jurisdictional requirements of RCW  
6 26.21.075, and the final order:

7 (a) Expressly identifies a child as a "child of the marriage,"  
8 "issue of the marriage," or similar words indicating that the husband  
9 is the father of the child; or

10 (b) Provides for support of the child by the husband unless  
11 paternity is specifically disclaimed in the order.

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

16 (5) A party to an adjudication of paternity may challenge the  
17 adjudication only under law of this state relating to appeal, vacation  
18 of judgments, and other judicial review.

19 **ARTICLE 6**  
20 **CHILD OF ASSISTED REPRODUCTION**

21 NEW SECTION. **Sec. 601.** SCOPE OF ARTICLE. Sections 602 through  
22 609 of this act do not apply to the birth of a child conceived by means  
23 of sexual intercourse.

24 NEW SECTION. **Sec. 602.** PARENTAL STATUS OF DONOR. A donor is not  
25 a parent of a child conceived by means of assisted reproduction.

26 NEW SECTION. **Sec. 603.** HUSBAND'S PATERNITY OF CHILD OF ASSISTED  
27 REPRODUCTION. If a husband provides sperm for, or consents to,  
28 assisted reproduction by his wife as provided in section 604 of this  
29 act, he is the father of a resulting child born to his wife.

30 NEW SECTION. **Sec. 604.** CONSENT TO ASSISTED REPRODUCTION. (1) A  
31 consent to assisted reproduction by a married woman must be in a record  
32 signed by the woman and her husband. This requirement does not apply  
33 to the donation of eggs for assisted reproduction by another woman.

1 (2) Failure of the husband to sign a consent required by subsection  
2 (1) of this section, before or after birth of the child, does not  
3 preclude a finding that the husband is the father of a child born to  
4 his wife if the wife and husband openly treated the child as their own.

5 NEW SECTION. **Sec. 605.** LIMITATION ON HUSBAND'S DISPUTE OF  
6 PATERNITY. (1) Except as otherwise provided in subsection (2) of this  
7 section, the husband of a wife who gives birth to a child by means of  
8 assisted reproduction may not challenge his paternity of the child  
9 unless:

10 (a) Within two years after learning of the birth of the child he  
11 commences a proceeding to adjudicate his paternity; and

12 (b) The court finds that he did not consent to the assisted  
13 reproduction, before or after birth of the child.

14 (2) A proceeding to adjudicate paternity may be maintained at any  
15 time if the court determines that:

16 (a) The husband did not provide sperm for, or before or after the  
17 birth of the child consent to, assisted reproduction by his wife;

18 (b) The husband and the mother of the child have not cohabited  
19 since the probable time of assisted reproduction; and

20 (c) The husband never openly treated the child as his own.

21 (3) The limitation provided in this section applies to a marriage  
22 declared invalid after assisted reproduction.

23 NEW SECTION. **Sec. 606.** EFFECT OF DISSOLUTION OF MARRIAGE. (1) If  
24 a marriage is dissolved before placement of eggs, sperm, or an embryo,  
25 the former spouse is not a parent of the resulting child unless the  
26 former spouse consented in a record that if assisted reproduction were  
27 to occur after a divorce, the former spouse would be a parent of the  
28 child.

29 (2) The consent of the former spouse to assisted reproduction may  
30 be revoked by that individual in a record at any time before placement  
31 of eggs, sperm, or embryos.

32 NEW SECTION. **Sec. 607.** PARENTAL STATUS OF DECEASED SPOUSE. If a  
33 spouse dies before placement of eggs, sperm, or an embryo, the deceased  
34 spouse is not a parent of the resulting child unless the deceased  
35 spouse consented in a record that if assisted reproduction were to  
36 occur after death, the deceased spouse would be a parent of the child.



1 relationships regarding any person or persons who immigrated to the  
2 United States from a foreign country which was made or accepted by the  
3 United States immigration and naturalization service at the time of  
4 that person or persons' entry into the United States creates a  
5 rebuttable presumption that the determination is valid and that the  
6 family relationship under foreign law is as made or accepted at the  
7 time of entry. Except as provided in (~~RCW 26.26.040 (1)(f) and (2)~~)  
8 section 204(2) of this act, the presumption may be overcome by a  
9 preponderance of evidence showing that a living person other than the  
10 person named by the United States immigration and naturalization  
11 service is in the relationship in question.

12 **Sec. 702.** RCW 5.62.030 and 1986 c 212 s 2 are each amended to read  
13 as follows:

14 Notwithstanding anything to the contrary in this chapter, the  
15 privilege created in this chapter is subject to the same limitations  
16 and exemptions contained in RCW (~~(26.26.120)~~) 26.44.060(3)(~~(7)~~) and  
17 51.04.050 as those limitations and exemptions relate to the  
18 physician/patient privilege of RCW 5.60.060.

19 **Sec. 703.** RCW 9.41.070 and 1999 c 222 s 2 are each amended to read  
20 as follows:

21 (1) The chief of police of a municipality or the sheriff of a  
22 county shall within thirty days after the filing of an application of  
23 any person, issue a license to such person to carry a pistol concealed  
24 on his or her person within this state for five years from date of  
25 issue, for the purposes of protection or while engaged in business,  
26 sport, or while traveling. However, if the applicant does not have a  
27 valid permanent Washington driver's license or Washington state  
28 identification card or has not been a resident of the state for the  
29 previous consecutive ninety days, the issuing authority shall have up  
30 to sixty days after the filing of the application to issue a license.  
31 The issuing authority shall not refuse to accept completed applications  
32 for concealed pistol licenses during regular business hours.

33 The applicant's constitutional right to bear arms shall not be  
34 denied, unless:

35 (a) He or she is ineligible to possess a firearm under the  
36 provisions of RCW 9.41.040 or 9.41.045;

1 (b) The applicant's concealed pistol license is in a revoked  
2 status;

3 (c) He or she is under twenty-one years of age;

4 (d) He or she is subject to a court order or injunction regarding  
5 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
6 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, ((~~26.26.137~~))  
7 26.50.060, ((~~or~~)) 26.50.070, or section 524 of this act;

8 (e) He or she is free on bond or personal recognizance pending  
9 trial, appeal, or sentencing for a felony offense;

10 (f) He or she has an outstanding warrant for his or her arrest from  
11 any court of competent jurisdiction for a felony or misdemeanor; or

12 (g) He or she has been ordered to forfeit a firearm under RCW  
13 9.41.098(1)(e) within one year before filing an application to carry a  
14 pistol concealed on his or her person.

15 No person convicted of a felony may have his or her right to  
16 possess firearms restored or his or her privilege to carry a concealed  
17 pistol restored, unless the person has been granted relief from  
18 disabilities by the secretary of the treasury under 18 U.S.C. Sec.  
19 925(c), or RCW 9.41.040 (3) or (4) applies.

20 (2) The issuing authority shall check with the national crime  
21 information center, the Washington state patrol electronic data base,  
22 the department of social and health services electronic data base, and  
23 with other agencies or resources as appropriate, to determine whether  
24 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess  
25 a firearm and therefore ineligible for a concealed pistol license.  
26 This subsection applies whether the applicant is applying for a new  
27 concealed pistol license or to renew a concealed pistol license.

28 (3) Any person whose firearms rights have been restricted and who  
29 has been granted relief from disabilities by the secretary of the  
30 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
31 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,  
32 transfer, ship, transport, carry, and possess firearms in accordance  
33 with Washington state law restored except as otherwise prohibited by  
34 this chapter.

35 (4) The license application shall bear the full name, residential  
36 address, telephone number at the option of the applicant, date and  
37 place of birth, race, gender, description, not more than two complete  
38 sets of fingerprints, and signature of the licensee, and the licensee's  
39 driver's license number or state identification card number if used for

1 identification in applying for the license. A signed application for  
2 a concealed pistol license shall constitute a waiver of confidentiality  
3 and written request that the department of social and health services,  
4 mental health institutions, and other health care facilities release  
5 information relevant to the applicant's eligibility for a concealed  
6 pistol license to an inquiring court or law enforcement agency.

7 The application for an original license shall include two complete  
8 sets of fingerprints to be forwarded to the Washington state patrol.

9 The license and application shall contain a warning substantially  
10 as follows:

11 CAUTION: Although state and local laws do not differ, federal  
12 law and state law on the possession of firearms differ. If you  
13 are prohibited by federal law from possessing a firearm, you  
14 may be prosecuted in federal court. A state license is not a  
15 defense to a federal prosecution.

16 The license shall contain a description of the major differences  
17 between state and federal law and an explanation of the fact that local  
18 laws and ordinances on firearms are preempted by state law and must be  
19 consistent with state law. The application shall contain questions  
20 about the applicant's eligibility under RCW 9.41.040 to possess a  
21 pistol, the applicant's place of birth, and whether the applicant is a  
22 United States citizen. The applicant shall not be required to produce  
23 a birth certificate or other evidence of citizenship. A person who is  
24 not a citizen of the United States shall meet the additional  
25 requirements of RCW 9.41.170 and produce proof of compliance with RCW  
26 9.41.170 upon application. The license shall be in triplicate and in  
27 a form to be prescribed by the department of licensing.

28 The original thereof shall be delivered to the licensee, the  
29 duplicate shall within seven days be sent to the director of licensing  
30 and the triplicate shall be preserved for six years, by the authority  
31 issuing the license.

32 The department of licensing shall make available to law enforcement  
33 and corrections agencies, in an on-line format, all information  
34 received under this subsection.

35 (5) The nonrefundable fee, paid upon application, for the original  
36 five-year license shall be thirty-six dollars plus additional charges  
37 imposed by the Federal Bureau of Investigation that are passed on to  
38 the applicant. No other state or local branch or unit of government

1 may impose any additional charges on the applicant for the issuance of  
2 the license.

3 The fee shall be distributed as follows:

4 (a) Fifteen dollars shall be paid to the state general fund;

5 (b) Four dollars shall be paid to the agency taking the  
6 fingerprints of the person licensed;

7 (c) Fourteen dollars shall be paid to the issuing authority for the  
8 purpose of enforcing this chapter; and

9 (d) Three dollars to the firearms range account in the general  
10 fund.

11 (6) The nonrefundable fee for the renewal of such license shall be  
12 thirty-two dollars. No other branch or unit of government may impose  
13 any additional charges on the applicant for the renewal of the license.

14 The renewal fee shall be distributed as follows:

15 (a) Fifteen dollars shall be paid to the state general fund;

16 (b) Fourteen dollars shall be paid to the issuing authority for the  
17 purpose of enforcing this chapter; and

18 (c) Three dollars to the firearms range account in the general  
19 fund.

20 (7) The nonrefundable fee for replacement of lost or damaged  
21 licenses is ten dollars to be paid to the issuing authority.

22 (8) Payment shall be by cash, check, or money order at the option  
23 of the applicant. Additional methods of payment may be allowed at the  
24 option of the issuing authority.

25 (9) A licensee may renew a license if the licensee applies for  
26 renewal within ninety days before or after the expiration date of the  
27 license. A license so renewed shall take effect on the expiration date  
28 of the prior license. A licensee renewing after the expiration date of  
29 the license must pay a late renewal penalty of ten dollars in addition  
30 to the renewal fee specified in subsection (6) of this section. The  
31 fee shall be distributed as follows:

32 (a) Three dollars shall be deposited in the state wildlife fund and  
33 used exclusively first for the printing and distribution of a pamphlet  
34 on the legal limits of the use of firearms, firearms safety, and the  
35 preemptive nature of state law, and subsequently the support of  
36 volunteer instructors in the basic firearms safety training program  
37 conducted by the department of fish and wildlife. The pamphlet shall  
38 be given to each applicant for a license; and

1 (b) Seven dollars shall be paid to the issuing authority for the  
2 purpose of enforcing this chapter.

3 (10) Notwithstanding the requirements of subsections (1) through  
4 (9) of this section, the chief of police of the municipality or the  
5 sheriff of the county of the applicant's residence may issue a  
6 temporary emergency license for good cause pending review under  
7 subsection (1) of this section. However, a temporary emergency license  
8 issued under this subsection shall not exempt the holder of the license  
9 from any records check requirement. Temporary emergency licenses shall  
10 be easily distinguishable from regular licenses.

11 (11) A political subdivision of the state shall not modify the  
12 requirements of this section or chapter, nor may a political  
13 subdivision ask the applicant to voluntarily submit any information not  
14 required by this section.

15 (12) A person who knowingly makes a false statement regarding  
16 citizenship or identity on an application for a concealed pistol  
17 license is guilty of false swearing under RCW 9A.72.040. In addition  
18 to any other penalty provided for by law, the concealed pistol license  
19 of a person who knowingly makes a false statement shall be revoked, and  
20 the person shall be permanently ineligible for a concealed pistol  
21 license.

22 (13) A person may apply for a concealed pistol license:

23 (a) To the municipality or to the county in which the applicant  
24 resides if the applicant resides in a municipality;

25 (b) To the county in which the applicant resides if the applicant  
26 resides in an unincorporated area; or

27 (c) Anywhere in the state if the applicant is a nonresident.

28 **Sec. 704.** RCW 9.41.800 and 1996 c 295 s 14 are each amended to  
29 read as follows:

30 (1) Any court when entering an order authorized under RCW  
31 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
32 26.10.040, 26.10.115, 26.26.130, (~~26.26.137~~) 26.50.060, (~~or~~)  
33 26.50.070, or section 524 of this act shall, upon a showing by clear  
34 and convincing evidence, that a party has: Used, displayed, or  
35 threatened to use a firearm or other dangerous weapon in a felony, or  
36 previously committed any offense that makes him or her ineligible to  
37 possess a firearm under the provisions of RCW 9.41.040:

1 (a) Require the party to surrender any firearm or other dangerous  
2 weapon;

3 (b) Require the party to surrender any concealed pistol license  
4 issued under RCW 9.41.070;

5 (c) Prohibit the party from obtaining or possessing a firearm or  
6 other dangerous weapon;

7 (d) Prohibit the party from obtaining or possessing a concealed  
8 pistol license.

9 (2) Any court when entering an order authorized under RCW  
10 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
11 26.10.040, 26.10.115, 26.26.130, (~~(26.26.137)~~) 26.50.060, (~~(or)~~)  
12 26.50.070, or section 524 of this act may, upon a showing by a  
13 preponderance of the evidence but not by clear and convincing evidence,  
14 that a party has: Used, displayed, or threatened to use a firearm or  
15 other dangerous weapon in a felony, or previously committed any offense  
16 that makes him or her ineligible to possess a pistol under the  
17 provisions of RCW 9.41.040:

18 (a) Require the party to surrender any firearm or other dangerous  
19 weapon;

20 (b) Require the party to surrender a concealed pistol license  
21 issued under RCW 9.41.070;

22 (c) Prohibit the party from obtaining or possessing a firearm or  
23 other dangerous weapon;

24 (d) Prohibit the party from obtaining or possessing a concealed  
25 pistol license.

26 (3) The court may order temporary surrender of a firearm or other  
27 dangerous weapon without notice to the other party if it finds, on the  
28 basis of the moving affidavit or other evidence, that irreparable  
29 injury could result if an order is not issued until the time for  
30 response has elapsed.

31 (4) In addition to the provisions of subsections (1), (2), and (3)  
32 of this section, the court may enter an order requiring a party to  
33 comply with the provisions in subsection (1) of this section if it  
34 finds that the possession of a firearm or other dangerous weapon by any  
35 party presents a serious and imminent threat to public health or  
36 safety, or to the health or safety of any individual.

37 (5) The requirements of subsections (1), (2), and (4) of this  
38 section may be for a period of time less than the duration of the  
39 order.

1 (6) The court may require the party to surrender any firearm or  
2 other dangerous weapon in his or her immediate possession or control or  
3 subject to his or her immediate possession or control to the sheriff of  
4 the county having jurisdiction of the proceeding, the chief of police  
5 of the municipality having jurisdiction, or to the restrained or  
6 enjoined party's counsel or to any person designated by the court.

7 **Sec. 705.** RCW 74.20.310 and 1991 c 367 s 45 are each amended to  
8 read as follows:

9 (1) The provisions of (~~RCW 26.26.090~~) section 512 of this act  
10 requiring appointment of a (~~general guardian or~~) guardian ad litem to  
11 represent the child in an action brought to determine the parent and  
12 child relationship do not apply to actions brought under chapter 26.26  
13 RCW if:

14 (a) The action is brought by the attorney general on behalf of the  
15 department of social and health services and the child; or

16 (b) The action is brought by any prosecuting attorney on behalf of  
17 the state and the child when referral has been made to the prosecuting  
18 attorney by the department of social and health services requesting  
19 such action.

20 (2) On the issue of parentage, the attorney general or prosecuting  
21 attorney functions as the child's guardian ad litem provided the  
22 interests of the state and the child are not in conflict.

23 (3) The court, on its own motion or on motion of a party, may  
24 appoint a guardian ad litem when necessary.

25 (4) The summons shall contain a notice to the parents that pursuant  
26 to section 512 of this act the parents have a right to move the court  
27 for a guardian ad litem for the child other than the prosecuting  
28 attorney or the attorney general subject to subsection (2) of this  
29 section.

30 **Sec. 706.** RCW 74.20.360 and 1997 c 58 s 901 are each amended to  
31 read as follows:

32 (1) The division of child support may issue an order for genetic  
33 testing when providing services under this chapter and Title IV-D of  
34 the federal social security act if genetic testing:

35 (a) Is appropriate in an action under chapter 26.26 RCW, the  
36 uniform parentage act;

1 (b) Is appropriate in an action to establish support under RCW  
2 74.20A.056; or

3 (c) Would assist the parties or the division of child support in  
4 determining whether it is appropriate to proceed with an action to  
5 establish or disestablish paternity.

6 (2) The order for genetic testing shall be served on the alleged  
7 parent or parents and the legal parent by personal service or by any  
8 form of mail requiring a return receipt.

9 (3) Within twenty days of the date of service of an order for  
10 genetic testing, any party required to appear for genetic testing, the  
11 child, or a guardian on the child's behalf, may petition in superior  
12 court under chapter 26.26 RCW to bar or postpone genetic testing.

13 (4) The order for genetic testing shall contain:

14 (a) An explanation of the right to proceed in superior court under  
15 subsection (3) of this section;

16 (b) Notice that if no one proceeds under subsection (3) of this  
17 section, the agency issuing the order will schedule genetic testing and  
18 will notify the parties of the time and place of testing by regular  
19 mail;

20 (c) Notice that the parties must keep the agency issuing the order  
21 for genetic testing informed of their residence address and that  
22 mailing a notice of time and place for genetic testing to the last  
23 known address of the parties by regular mail constitutes valid service  
24 of the notice of time and place;

25 (d) Notice that the order for genetic testing may be enforced  
26 through:

27 (i) Public assistance grant reduction for noncooperation, pursuant  
28 to agency rule, if the child and custodian are receiving public  
29 assistance;

30 (ii) Termination of support enforcement services under Title IV-D  
31 of the federal social security act if the child and custodian are not  
32 receiving public assistance;

33 (iii) A referral to superior court for an appropriate action under  
34 chapter 26.26 RCW; or

35 (iv) A referral to superior court for remedial sanctions under RCW  
36 7.21.060.

37 (5) The department may advance the costs of genetic testing under  
38 this section.

1 (6) If an action is pending under chapter 26.26 RCW, a judgment for  
2 reimbursement of the cost of genetic testing may be awarded under ((RCW  
3 26.26.100)) section 521 of this act.

4 (7) If no action is pending in superior court, the department may  
5 impose an obligation to reimburse costs of genetic testing according to  
6 rules adopted by the department to implement RCW 74.20A.056.

7 **Sec. 707.** RCW 74.20A.056 and 1997 c 58 s 941 are each amended to  
8 read as follows:

9 (1) If an alleged father has signed an affidavit acknowledging  
10 paternity which has been filed with the state registrar of vital  
11 statistics before July 1, 1997, the division of child support may serve  
12 a notice and finding of parental responsibility on him. ((Procedures  
13 for and responsibility resulting from acknowledgments filed after July  
14 1, 1997, are in subsections (8) and (9) of this section.)) Service of  
15 the notice shall be in the same manner as a summons in a civil action  
16 or by certified mail, return receipt requested. The notice shall have  
17 attached to it a copy of the affidavit or certification of birth record  
18 information advising of the existence of a filed affidavit, provided by  
19 the state registrar of vital statistics, and shall state that:

20 (a) The alleged father may file an application for an adjudicative  
21 proceeding at which he will be required to appear and show cause why  
22 the amount stated in the finding of financial responsibility as to  
23 support is incorrect and should not be ordered;

24 (b) An alleged father may request that a blood or genetic test be  
25 administered to determine whether such test would exclude him from  
26 being a natural parent and, if not excluded, may subsequently request  
27 that the division of child support initiate an action in superior court  
28 to determine the existence of the parent-child relationship; and

29 (c) If the alleged father does not request that a blood or genetic  
30 test be administered or file an application for an adjudicative  
31 proceeding, the amount of support stated in the notice and finding of  
32 parental responsibility shall become final, subject only to a  
33 subsequent determination under ((RCW 26.26.060)) sections 501 through  
34 537 of this act that the parent-child relationship does not exist.

35 (2) An alleged father who objects to the amount of support  
36 requested in the notice or who requests genetic tests may file an  
37 application for an adjudicative proceeding up to twenty days after the  
38 date the notice was served. An application for an adjudicative

1 proceeding may be filed within one year of service of the notice and  
2 finding of parental responsibility without the necessity for a showing  
3 of good cause or upon a showing of good cause thereafter. An  
4 adjudicative proceeding under this section shall be pursuant to RCW  
5 74.20A.055. The only issues shall be the amount of the accrued debt,  
6 the amount of the current and future support obligation, and the  
7 reimbursement of the costs of blood or genetic tests if advanced by the  
8 department.

9 (3) If the application for an adjudicative proceeding is filed  
10 within twenty days of service of the notice, collection action shall be  
11 stayed pending a final decision by the department. If no application  
12 is filed within twenty days:

13 (a) The amounts in the notice shall become final and the debt  
14 created therein shall be subject to collection action; and

15 (b) Any amounts so collected shall neither be refunded nor returned  
16 if the alleged father is later found not to be a responsible parent.

17 (4) An alleged father who denies being a responsible parent may  
18 request that a blood or genetic test be administered at any time. The  
19 request for testing shall be in writing and served on the division of  
20 child support personally or by registered or certified mail. If a  
21 request for testing is made, the department shall arrange for the test  
22 and, pursuant to rules adopted by the department, may advance the cost  
23 of such testing. The department shall mail a copy of the test results  
24 by certified mail, return receipt requested, to the alleged father's  
25 last known address.

26 (5) If the test excludes the alleged father from being a natural  
27 parent, the division of child support shall file a copy of the results  
28 with the state registrar of vital statistics and shall dismiss any  
29 pending administrative collection proceedings based upon the affidavit  
30 in issue. The state registrar of vital statistics shall remove the  
31 alleged father's name from the birth certificate and change the child's  
32 surname to be the same as the mother's maiden name as stated on the  
33 birth certificate, or any other name which the mother may select.

34 (6) The alleged father may, within twenty days after the date of  
35 receipt of the test results, request the division of child support to  
36 initiate an action under (~~RCW 26.26.060~~) sections 501 through 537 of  
37 this act to determine the existence of the parent-child relationship.  
38 If the division of child support initiates a superior court action at  
39 the request of the alleged father and the decision of the court is that

1 the alleged father is a natural parent, the alleged father shall be  
2 liable for court costs incurred.

3 (7) If the alleged father does not request the division of child  
4 support to initiate a superior court action, or if the alleged father  
5 fails to appear and cooperate with blood or genetic testing, the notice  
6 of parental responsibility shall become final for all intents and  
7 purposes and may be overturned only by a subsequent superior court  
8 order entered under (~~RCW 26.26.060~~) sections 501 through 537 of this  
9 act.

10 (8)(a) Subsections (1) through (7) of this section do not apply to  
11 acknowledgments of paternity filed with the state registrar of vital  
12 statistics after July 1, 1997.

13 (b) If an (~~alleged~~) acknowledged father has signed an (~~affidavit~~  
14 ~~acknowledging~~) acknowledgment of paternity that has been filed with  
15 the state registrar of vital statistics after July 1, 1997(~~, within~~  
16 ~~sixty days from the date of filing of the acknowledgment~~):

17 (i) The division of child support may serve a notice and finding of  
18 (~~parental responsibility on him as set forth under this section~~)  
19 financial responsibility under RCW 74.20A.055 based on the  
20 acknowledgment. The division of child support shall attach a copy of  
21 the acknowledgment or certification of the birth record information  
22 advising of the existence of a filed acknowledgment of paternity to the  
23 notice; (~~and~~)

24 (ii) The notice shall include a statement that the (~~alleged~~)  
25 acknowledged father or any other signatory may (~~rescind his~~  
26 acknowledgment of paternity. The rescission shall be notarized and  
27 delivered to the state registrar of vital statistics personally or by  
28 registered or certified mail. The state registrar shall remove the  
29 father's name from the birth certificate and change the child's surname  
30 to be the same as the mother's maiden name as stated on the birth  
31 certificate or any other name that the mother may select. The state  
32 registrar shall file rescission notices in a sealed file. All future  
33 paternity actions on behalf of the child in question shall be performed  
34 under court order) commence a proceeding in court to rescind or  
35 challenge the acknowledgment or denial of paternity under sections 307  
36 and 308 of this act; and

37 (iii) The party commencing the action to rescind or challenge the  
38 acknowledgment or denial must serve notice on the division of child  
39 support and the office of the prosecuting attorney in the county in

1 which the proceeding is commenced. Commencement of a proceeding to  
2 rescind or challenge the acknowledgment or denial stays the  
3 establishment of the notice and finding of financial responsibility, if  
4 the notice has not yet become a final order.

5 ~~((b))~~ (c) If the ~~((alleged))~~ acknowledged father or other party  
6 to the notice does not file an application for an adjudicative  
7 proceeding or ~~((rescind his))~~ the signatories to the acknowledgment or  
8 denial do not commence a proceeding to rescind or challenge the  
9 acknowledgment of paternity, the amount of support stated in the notice  
10 and finding of ~~((parental))~~ financial responsibility becomes final,  
11 subject only to a subsequent determination under ~~((RCW 26.26.060))~~  
12 sections 501 through 537 of this act that the parent-child relationship  
13 does not exist. The division of child support does not refund nor  
14 return any amounts collected under a notice that becomes final under  
15 this section or RCW 74.20A.055, even if a court later determines that  
16 the acknowledgment is void.

17 ~~((e))~~ (d) An ~~((alleged))~~ acknowledged father or other party to  
18 the notice who objects to the amount of support requested in the notice  
19 may file an application for an adjudicative proceeding up to twenty  
20 days after the date the notice was served. An application for an  
21 adjudicative proceeding may be filed within one year of service of the  
22 notice and finding of parental responsibility without the necessity for  
23 a showing of good cause or upon a showing of good cause thereafter. An  
24 adjudicative proceeding under this section shall be pursuant to RCW  
25 74.20A.055. The only issues shall be the amount of the accrued debt  
26 and the amount of the current and future support obligation.

27 (i) If the application for an adjudicative proceeding is filed  
28 within twenty days of service of the notice, collection action shall be  
29 stayed pending a final decision by the department.

30 (ii) If the application for an adjudicative proceeding is not filed  
31 within twenty days of the service of the notice, any amounts collected  
32 under the notice shall be neither refunded nor returned if the alleged  
33 father is later found not to be a responsible parent.

34 ~~((d) If an alleged father makes a request for genetic testing, the~~  
35 ~~department shall proceed as set forth under RCW 74.20.360.))~~

36 (e) If the ~~((alleged))~~ acknowledged father or other party to the  
37 notice does not request ~~((an))~~ a timely adjudicative proceeding, or if  
38 ~~((the alleged father fails to rescind his filed acknowledgment of~~  
39 paternity)) no timely action is brought to rescind or challenge the

1 acknowledgment or denial after service of the notice, the notice of  
2 ~~((parental))~~ financial responsibility becomes final for all intents and  
3 purposes and may be overturned only by a subsequent superior court  
4 order entered under ~~((RCW 26.26.060))~~ sections 501 through 537 of this  
5 act.

6 (9) ~~((Affidavits acknowledging))~~ Acknowledgments of paternity that  
7 are filed after July 1, 1997, are subject to requirements of chapters  
8 26.26, the uniform parentage act, and 70.58 RCW.

9 (10) The department and the department of health may adopt rules to  
10 implement the requirements under this section.

11 **Sec. 708.** RCW 70.58.080 and 1997 c 58 s 937 are each amended to  
12 read as follows:

13 (1) Within ten days after the birth of any child, the attending  
14 physician, midwife, or his or her agent shall:

15 (a) Fill out a certificate of birth, giving all of the particulars  
16 required, including: (i) The mother's name and date of birth, and (ii)  
17 if the mother and father are married at the time of birth or ~~((the~~  
18 ~~father has signed))~~ an acknowledgment of paternity has been signed or  
19 one has been filed with the state registrar of vital statistics naming  
20 the man as the father, the father's name and date of birth; and

21 (b) File the certificate of birth together with the mother's and  
22 father's social security numbers with the state registrar of vital  
23 statistics.

24 (2) The local registrar shall forward the birth certificate, any  
25 signed ~~((affidavit acknowledging))~~ acknowledgment of paternity that has  
26 not been filed with the state registrar of vital statistics, and the  
27 mother's and father's social security numbers to the state office of  
28 vital statistics pursuant to RCW 70.58.030.

29 (3) The state registrar of vital statistics shall make available to  
30 the division of child support the birth certificates, the mother's and  
31 father's social security numbers and acknowledgments of paternity  
32 ~~((affidavits))~~.

33 (4) Upon the birth of a child to an unmarried woman, the attending  
34 physician, midwife, or his or her agent shall:

35 (a) Provide an opportunity for the child's mother and natural  
36 father to complete an ~~((affidavit acknowledging))~~ acknowledgment of  
37 paternity. The completed ~~((affidavit))~~ acknowledgment shall be filed

1 with the state registrar of vital statistics. The ((affidavit))  
2 acknowledgment shall ((contain or have attached:  
3 (i) A sworn statement by the mother consenting to the assertion of  
4 paternity and stating that this is the only possible father;  
5 (ii) A statement by the father that he is the natural father of the  
6 child;  
7 (iii) A sworn statement signed by the mother and the putative  
8 father that each has been given notice, both orally and in writing, of  
9 the alternatives to, the legal consequences of, and the rights,  
10 including, if one parent is a minor, any rights afforded due to  
11 minority status, and responsibilities that arise from, signing the  
12 affidavit acknowledging paternity;  
13 (iv) Written information, furnished by the department of social and  
14 health services, explaining the implications of signing, including  
15 parental rights and responsibilities; and  
16 (v) The social security numbers of both parents)) be prepared as  
17 required by section 302 of this act.  
18 (b) Provide written information and oral information, furnished by  
19 the department of social and health services, to the mother and the  
20 father regarding the benefits of having the child's paternity  
21 established and of the availability of paternity establishment  
22 services, including a request for support enforcement services. The  
23 oral and written information shall also include information regarding  
24 the alternatives to, the legal consequences of, and the rights,  
25 including, if one parent is a minor any rights afforded due to minority  
26 status, and responsibilities that arise from, signing the ((affidavit  
27 acknowledging)) acknowledgment of paternity.  
28 (5) The physician or midwife or his or her agent is entitled to  
29 reimbursement for reasonable costs, which the department shall  
30 establish by rule, when an ((affidavit acknowledging)) acknowledgment  
31 of paternity is filed with the state registrar of vital statistics.  
32 (6) If there is no attending physician or midwife, the father or  
33 mother of the child, householder or owner of the premises, manager or  
34 superintendent of the public or private institution in which the birth  
35 occurred, shall notify the local registrar, within ten days after the  
36 birth, of the fact of the birth, and the local registrar shall secure  
37 the necessary information and signature to make a proper certificate of  
38 birth.

1 (7) When an infant is found for whom no certificate of birth is  
2 known to be on file, a birth certificate shall be filed within the time  
3 and in the form prescribed by the state board of health.

4 (8) When no ((putative)) alleged father is named on a birth  
5 certificate of a child born to an unwed mother the mother may give any  
6 surname she so desires to her child but shall designate in space  
7 provided for father's name on the birth certificate "None Named".

8 NEW SECTION. **Sec. 709.** UNIFORMITY OF APPLICATION AND  
9 CONSTRUCTION. In applying and construing this uniform act,  
10 consideration must be given to the need to promote uniformity of the  
11 law with respect to its subject matter among states that enact it.

12 NEW SECTION. **Sec. 710.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 711.** The following acts or parts of acts are  
17 each repealed:

18 (1) RCW 26.26.010 ("Parent and child relationship" defined) and  
19 1975-'76 2nd ex.s. c 42 s 2;

20 (2) RCW 26.26.020 (Relationship not dependent on marriage) and  
21 1975-'76 2nd ex.s. c 42 s 3;

22 (3) RCW 26.26.030 (How parent and child relationship established)  
23 and 2002 c ... (SSB 5433) s 1, 1985 c 7 s 86, & 1975-'76 2nd ex.s. c 42  
24 s 4;

25 (4) RCW 26.26.035 (Default) and 1994 c 230 s 13;

26 (5) RCW 26.26.040 (Presumption of paternity) and 1997 c 58 s 938,  
27 1994 c 230 s 14, 1990 c 175 s 2, 1989 c 55 s 4, & 1975-'76 2nd ex.s. c  
28 42 s 5;

29 (6) RCW 26.26.050 (Artificial insemination) and 2002 c ... (SSB  
30 5433) s 2 & 1975-'76 2nd ex.s. c 42 s 6;

31 (7) RCW 26.26.060 (Determination of father and child relationship--  
32 Who may bring action--When action may be brought) and 1983 1st ex.s. c  
33 41 s 5 & 1975-'76 2nd ex.s. c 42 s 7;

34 (8) RCW 26.26.070 (Determination of father and child relationship--  
35 Petition to arrest alleged father--Warrant of arrest--Issuance--  
36 Grounds--Hearing) and 1975-'76 2nd ex.s. c 42 s 8;

1 (9) RCW 26.26.080 (Jurisdiction--Venue) and 1975-'76 2nd ex.s. c 42  
2 s 9;

3 (10) RCW 26.26.090 (Parties) and 1984 c 260 s 31, 1983 1st ex.s. c  
4 41 s 6, & 1975-'76 2nd ex.s. c 42 s 10;

5 (11) RCW 26.26.100 (Blood or genetic tests) and 1997 c 58 s 946;

6 (12) RCW 26.26.110 (Evidence relating to paternity) and 1994 c 146  
7 s 2, 1984 c 260 s 33, & 1975-'76 2nd ex.s. c 42 s 12;

8 (13) RCW 26.26.120 (Civil action--Testimony--Evidence--Jury) and  
9 1994 c 146 s 3, 1984 c 260 s 34, & 1975-'76 2nd ex.s. c 42 s 13;

10 (14) RCW 26.26.137 (Temporary support--Temporary restraining  
11 order--Preliminary injunction--Domestic violence or antiharassment  
12 protection order--Notice of modification or termination of restraining  
13 order--Support debts, notice) and 2000 c 119 s 11, 1995 c 246 s 32,  
14 1994 sp.s. c 7 s 456, & 1983 1st ex.s. c 41 s 12;

15 (15) RCW 26.26.170 (Action to determine mother and child  
16 relationship) and 1975-'76 2nd ex.s. c 42 s 18;

17 (16) RCW 26.26.180 (Promise to render support) and 1983 1st ex.s.  
18 c 41 s 9 & 1975-'76 2nd ex.s. c 42 s 19;

19 (17) RCW 26.26.200 (Hearing or trials to be in closed court--  
20 Records confidential) and 1983 1st ex.s. c 41 s 10 & 1975-'76 2nd ex.s.  
21 c 42 s 21;

22 (18) RCW 26.26.900 (Uniformity of application and construction) and  
23 1975-'76 2nd ex.s. c 42 s 42;

24 (19) RCW 26.26.901 (Short title) and 1975-'76 2nd ex.s. c 42 s 43;  
25 and

26 (20) RCW 26.26.905 (Severability--1975-'76 2nd ex.s. c 42) and  
27 1975-'76 2nd ex.s. c 42 s 44.

28 NEW SECTION. **Sec. 712.** TRANSITIONAL PROVISION. A proceeding to  
29 adjudicate parentage which was commenced before the effective date of  
30 this section is governed by the law in effect at the time the  
31 proceeding was commenced.

32 NEW SECTION. **Sec. 713.** CAPTIONS, ARTICLE DESIGNATIONS, AND  
33 ARTICLE HEADINGS NOT LAW. Captions, article designations, and article  
34 headings used in this chapter are not any part of the law.

35 NEW SECTION. **Sec. 714.** EFFECTIVE DATE. This act takes effect  
36 July 1, 2002.

