

SECOND SUBSTITUTE HOUSE BILL 2346

State of Washington 57th Legislature 2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Darneille, Delvin and Dickerson; by request of Uniform Legislation Commission)

Read first time 02/11/2002. Referred to Committee on .

1 AN ACT Relating to the uniform parentage act; amending RCW
2 5.44.140, 5.62.030, 9.41.070, 9.41.800, 74.20.310, 74.20.360,
3 74.20A.056, and 70.58.080; adding new sections to chapter 26.26 RCW;
4 repealing RCW 26.26.010, 26.26.020, 26.26.030, 26.26.035, 26.26.040,
5 26.26.050, 26.26.060, 26.26.070, 26.26.080, 26.26.090, 26.26.100,
6 26.26.110, 26.26.120, 26.26.137, 26.26.170, 26.26.180, 26.26.200,
7 26.26.900, 26.26.901, and 26.26.905; prescribing penalties; and
8 providing an effective date.

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

10 ARTICLE 1
11 GENERAL PROVISIONS

12 NEW SECTION. Sec. 101. SHORT TITLE. This act may be known and
13 cited as the uniform parentage act.

14 NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this
15 section apply throughout this chapter unless the context clearly
16 requires otherwise.

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

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

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

9 (a) A presumed father;

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

12 (c) A male donor.

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

15 (a) Intrauterine insemination;

16 (b) Donation of eggs;

17 (c) Donation of embryos;

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

19 (e) Intracytoplasmic sperm injection.

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

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

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

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

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

34 (b) A woman who gives birth to a child by means of assisted
35 reproduction, except as otherwise provided in RCW 26.26.210 through
36 26.26.260.

37 (9) "Ethnic or racial group" means, for purposes of genetic
38 testing, a recognized group that an individual identifies as all or

1 part of his or her ancestry or that is so identified by other
2 information.

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

7 (a) Deoxyribonucleic acid; and

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

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

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

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

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

18 (a) The likelihood that the tested man is the father, based on the
19 genetic markers of the tested man, mother, and child, conditioned on
20 the hypothesis that the tested man is the father of the child; and

21 (b) The likelihood that the tested man is not the father, based on
22 the genetic markers of the tested man, mother, and child, conditioned
23 on the hypothesis that the tested man is not the father of the child
24 and that the father is from the same ethnic or racial group as the
25 tested man.

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

29 (16) "Probability of paternity" means the measure, for the ethnic
30 or racial group to which the alleged father belongs, of the probability
31 that the individual in question is the father of the child, compared
32 with a random, unrelated man of the same ethnic or racial group,
33 expressed as a percentage incorporating the paternity index and a prior
34 probability.

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

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

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

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

8 (a) Enforcement of support orders or laws relating to the duty of
9 support;

10 (b) Establishment or modification of child support;

11 (c) Determination of parentage; or

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

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

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

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

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

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

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

25 NEW SECTION. **Sec. 104.** COURT OF THIS STATE. The superior courts
26 of this state are authorized to adjudicate parentage under this
27 chapter.

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

1 NEW SECTION. **Sec. 106.** DETERMINATION OF MATERNITY. The
2 provisions relating to determination of paternity may be applied to a
3 determination of maternity.

4 **ARTICLE 2**
5 **PARENT-CHILD RELATIONSHIP**

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

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

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

12 (c) Adoption of the child by the woman; or

13 (d) A valid surrogate parentage contract, under which the mother is
14 an intended parent of the child, as provided in RCW 26.26.210 through
15 26.26.260.

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

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

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

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

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

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

28 (f) A valid surrogate parentage contract, under which the father is
29 an intended parent of the child, as provided in RCW 26.26.210 through
30 26.26.260.

31 NEW SECTION. **Sec. 202.** NO DISCRIMINATION BASED ON MARITAL STATUS.
32 A child born to parents who are not married to each other has the same
33 rights under the law as a child born to parents who are married to each
34 other.

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

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

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

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

13 (c) Before the birth of the child, he and the mother of the child
14 married each other in apparent compliance with law, even if the
15 attempted marriage is, or could be, declared invalid and the child is
16 born during the invalid marriage or within three hundred days after its
17 termination by death, annulment, dissolution of marriage, legal
18 separation, or declaration of invalidity; or

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

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

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

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

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

31 **ARTICLE 3**

32 **VOLUNTARY ACKNOWLEDGMENT OF PATERNITY**

33 NEW SECTION. **Sec. 301.** ACKNOWLEDGMENT OF PATERNITY. The mother
34 of a child and a man claiming to be the father of the child conceived
35 as the result of his sexual intercourse with the mother may sign an

1 acknowledgment of paternity with intent to establish the man's
2 paternity.

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

4 (1) An acknowledgment of paternity must:

5 (a) Be in a record;

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

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

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

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

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

15 (e) State that the signatories understand that the acknowledgment
16 is the equivalent of a judicial adjudication of paternity of the child
17 and that a challenge to the acknowledgment is permitted only under
18 limited circumstances and is barred after two years.

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

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

23 (b) States that another man is an acknowledged or adjudicated
24 father; or

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

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

28 NEW SECTION. **Sec. 303.** DENIAL OF PATERNITY. A presumed father of
29 a child may sign a denial of his paternity. The denial is valid only
30 if:

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

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

35 (3) The presumed father has not previously:

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

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

5 NEW SECTION. **Sec. 304.** RULES FOR ACKNOWLEDGMENT AND DENIAL OF
6 PATERNITY. (1) An acknowledgment of paternity and a denial of
7 paternity may be contained in a single document or may be signed in
8 counterparts, and may be filed separately or simultaneously.

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

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

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

16 NEW SECTION. **Sec. 305.** EFFECT OF ACKNOWLEDGMENT OR DENIAL OF
17 PATERNITY. (1) Except as otherwise provided in sections 307 and 308 of
18 this act, a valid acknowledgment of paternity filed with the state
19 registrar of vital statistics is equivalent to an adjudication of
20 paternity of a child and confers upon the acknowledged father all the
21 rights and duties of a parent.

22 (2) Except as otherwise provided in sections 307 and 308 of this
23 act, a valid denial of paternity filed with the state registrar of
24 vital statistics in conjunction with a valid acknowledgment of
25 paternity is equivalent to an adjudication of the nonpaternity of the
26 presumed father and discharges the presumed father from all of the
27 rights and duties of a parent.

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

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

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

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

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

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

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

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

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

15 (1) Every signatory to an acknowledgment or denial of paternity must be
16 made a party to a proceeding to rescind or challenge the acknowledgment
17 or denial.

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

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

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

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

1 NEW SECTION. **Sec. 310.** RATIFICATION BARRED. A court or
2 administrative agency conducting a judicial or administrative
3 proceeding is not required or permitted to ratify an unchallenged
4 acknowledgment of paternity.

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

10 NEW SECTION. **Sec. 312.** FORMS FOR ACKNOWLEDGMENT AND DENIAL OF
11 PATERNITY. (1) To facilitate compliance with sections 301 through 311
12 of this act, the state registrar of vital statistics shall prescribe
13 forms for the acknowledgment and the denial of paternity. The
14 acknowledgment of paternity shall state, in prominent lettering, that
15 signing the acknowledgment of paternity is equivalent to an
16 adjudication of paternity and confers upon the acknowledged father all
17 the rights and duties of a parent, such as the payment of child
18 support, if the acknowledgment is not challenged or rescinded as
19 prescribed under sections 303 through 309 of this act. The form shall
20 include copies of the provisions in sections 303 through 309 of this
21 act.

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

24 NEW SECTION. **Sec. 313.** RELEASE OF INFORMATION. The state
25 registrar of vital statistics may release information relating to the
26 acknowledgment or denial of paternity, not expressly sealed under a
27 court order, to: (1) A signatory of the acknowledgment or denial or
28 their attorneys of record; (2) the courts of this or any other state;
29 (3) the agencies of this or any other state operating a child support
30 program under Title IV-D of the social security act; or (4) the
31 agencies of this or any other state involved in a dependency
32 determination for a child named in the acknowledgment or denial of
33 paternity.

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

4 NEW SECTION. **Sec. 315.** (1) Sections 301 through 316 of this act
5 apply to all acknowledgments of paternity executed on or after July 1,
6 1997.

7 (2) A man who executed an acknowledgment of paternity before July
8 1, 1997, is rebuttably identified as the father of the child named
9 therein. Any dispute of the parentage, custody, visitation, or support
10 of the child named therein shall be determined in a proceeding to
11 adjudicate the child's parentage commenced under sections 501 through
12 537 of this act.

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

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

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

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

24 (3) Before the period for a challenge to the acknowledgment or
25 denial of paternity has elapsed under section 308 of this act, the
26 petitioner must specifically allege under penalty of perjury, to the
27 best of the petitioner's knowledge, that: (a) No man other than the
28 man who executed the acknowledgment of paternity is the father of the
29 child; (b) there is not currently pending a proceeding to adjudicate
30 the parentage of the child or that another man is adjudicated the
31 child's father; and (c) the petitioner has provided notice of the
32 proceeding to any other men who have claimed parentage of the child.
33 Should the respondent or any other person appearing in the action deny
34 the allegations, a permanent parenting plan or residential schedule may
35 not be entered for the child without the matter being converted to a
36 proceeding to challenge the acknowledgment of paternity under sections
37 308 and 309 of this act. A copy of the acknowledgment of paternity

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

4 **ARTICLE 4**
5 **GENETIC TESTING**

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

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

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

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

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

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

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

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

- 33 (a) The American association of blood banks, or a successor to its
34 functions;

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

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

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

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

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

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

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

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

23 (c) The testing laboratory may use its own statistical estimate if
24 there is a question regarding which ethnic or racial group is
25 appropriate. If available, the testing laboratory shall calculate the
26 frequencies using statistics for any other ethnic or racial group
27 requested.

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

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

36 (2) Documentation from the testing laboratory of the following
37 information is sufficient to establish a reliable chain of custody that

1 allows the results of genetic testing to be admissible without
2 testimony:

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

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

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

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

9 (e) The dates the specimens were received.

10 NEW SECTION. Sec. 405. GENETIC TESTING RESULTS--REBUTTAL. (1)
11 Under this chapter, a man is rebuttably identified as the father of a
12 child if the genetic testing complies with this section and sections
13 401 through 404 and 406 through 411 of this act and the results
14 disclose that:

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

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

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

23 (a) Excludes the man as a genetic father of the child; or

24 (b) Identifies another man as the father of the child.

25 (3) Except as otherwise provided in section 410 of this act, if
26 more than one man is identified by genetic testing as the possible
27 father of the child, the court shall order them to submit to further
28 genetic testing to identify the genetic father.

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

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

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

35 (c) As agreed by the parties; or

36 (d) As ordered by the court.

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

4 NEW SECTION. **Sec. 407.** ADDITIONAL GENETIC TESTING. The court or
5 the support enforcement agency shall order additional genetic testing
6 upon the request of a party who contests the result of the original
7 testing. If the previous genetic testing identified a man as the
8 father of the child under section 405 of this act, the court or agency
9 may not order additional testing unless the party provides advance
10 payment for the testing.

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

- 16 (a) The parents of the man;
17 (b) Brothers and sisters of the man;
18 (c) Other children of the man and their mothers; and
19 (d) Other relatives of the man necessary to complete genetic
20 testing.

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

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

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

29 NEW SECTION. **Sec. 410.** IDENTICAL BROTHERS. (1) The court may
30 order genetic testing of a brother of a man identified as the father of
31 a child if the man is commonly believed to have an identical brother
32 and evidence suggests that the brother may be the genetic father of the
33 child.

34 (2) If genetic testing excludes none of the brothers as the genetic
35 father, and each brother satisfies the requirements as the identified

1 father of the child under section 405 of this act without consideration
2 of another identical brother being identified as the father of the
3 child, the court may rely on nongenetic evidence to adjudicate which
4 brother is the father of the child.

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

8 (2) An individual commits a gross misdemeanor punishable under RCW
9 9.92.020 if the individual intentionally releases an identifiable
10 specimen of another individual for any purpose other than that relevant
11 to the proceeding regarding parentage without a court order or the
12 written permission of the individual who furnished the specimen.

13 ARTICLE 5

14 PROCEEDING TO ADJUDICATE PARENTAGE

15 PART 1

16 NATURE OF PROCEEDING

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

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

- 23 (1) The child;
- 24 (2) The mother of the child;
- 25 (3) A man whose paternity of the child is to be adjudicated;
- 26 (4) The division of child support;
- 27 (5) An authorized adoption agency or licensed child-placing agency;
- 28 (6) A representative authorized by law to act for an individual who
29 would otherwise be entitled to maintain a proceeding but who is
30 deceased, incapacitated, or a minor; or
- 31 (7) An intended parent under a surrogate parentage contract, as
32 provided in RCW 26.26.210 through 26.26.260.

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

4 (1) The mother of the child;

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

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

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

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

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

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

20 (1) The child resides or is found;

21 (2) The respondent resides or is found if the child does not reside
22 in this state; or

23 (3) A proceeding for probate of the presumed or alleged father's
24 estate has been commenced.

25 NEW SECTION. **Sec. 506.** NO LIMITATION: CHILD HAVING NO PRESUMED,
26 ACKNOWLEDGED, OR ADJUDICATED FATHER. A proceeding to adjudicate the
27 parentage of a child having no presumed, acknowledged, or adjudicated
28 father may be commenced at any time during the life of the child, even
29 after:

30 (1) The child becomes an adult; or

31 (2) An earlier proceeding to adjudicate paternity has been
32 dismissed based on the application of a statute of limitation then in
33 effect.

34 NEW SECTION. **Sec. 507.** LIMITATION: CHILD HAVING PRESUMED FATHER.

35 (1) Except as otherwise provided in subsection (2) of this section, a

1 proceeding brought by a presumed father, the mother, or another
2 individual to adjudicate the parentage of a child having a presumed
3 father must be commenced not later than two years after the birth of
4 the child.

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

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

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

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

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

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

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

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

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

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

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

32 (e) The age of the child;

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

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

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

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

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

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

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

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

16 (2) If a child has an acknowledged father or an adjudicated father,
17 an individual, other than the child, who is neither a signatory to the
18 acknowledgment nor a party to the adjudication and who seeks an
19 adjudication of paternity of the child must commence a proceeding not
20 later than two years after the effective date of the acknowledgment or
21 adjudication.

22 NEW SECTION. Sec. 510. JOINDER OF PROCEEDINGS. (1) Except as
23 provided in subsection (2) of this section, a proceeding to adjudicate
24 parentage may be joined with a proceeding for: Adoption or termination
25 of parental rights under chapter 26.33 RCW; determination of a
26 parenting plan, child support, annulment, dissolution of marriage, or
27 legal separation under chapter 26.09 or 26.19 RCW; or probate or
28 administration of an estate under chapter 11.48 or 11.54 RCW, or other
29 appropriate proceeding.

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

33 NEW SECTION. Sec. 511. PROCEEDING BEFORE BIRTH. Although a
34 proceeding to determine parentage may be commenced before the birth of
35 the child, the proceeding may not be concluded until after the birth of

1 the child. The following actions may be taken before the birth of the
2 child:

3 (1) Service of process;

4 (2) Discovery;

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

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

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

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

16 **PART 2**

17 **SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE**

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

26 (a) Voluntarily or under an order of the court or a support
27 enforcement agency; or

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

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

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

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

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

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

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

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

10 NEW SECTION. Sec. 522. CONSEQUENCES OF DECLINING GENETIC TESTING.

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

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

16 (3) Genetic testing of the mother of a child is not a condition
17 precedent to testing the child and a man whose paternity is being
18 determined. If the mother is unavailable or declines to submit to
19 genetic testing, the court may order the testing of the child and every
20 man whose paternity is being adjudicated.

21 NEW SECTION. Sec. 523. ADMISSION OF PATERNITY AUTHORIZED. (1) A
22 respondent in a proceeding to adjudicate parentage may admit to the
23 paternity of a child by filing a pleading to that effect or by
24 admitting paternity under penalty of perjury when making an appearance
25 or during a hearing.

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

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

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

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

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

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

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

5 (e) Is the mother of the child.

6 (2) A temporary order may, on the same basis as provided in chapter
7 26.09 RCW, make residential provisions with regard to minor children of
8 the parties, except that a parenting plan is not required unless
9 requested by a parent.

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

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

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

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

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

19 (4) Either party may request a domestic violence protection order
20 under chapter 26.50 RCW or an antiharassment protection order under
21 chapter 10.14 RCW on a temporary basis. The court may grant any of the
22 relief provided in RCW 26.50.060 except relief pertaining to
23 residential provisions for the children which provisions shall be
24 provided for under this chapter, and any of the relief provided in RCW
25 10.14.080. Ex parte orders issued under this subsection shall be
26 effective for a fixed period not to exceed fourteen days, or upon court
27 order, not to exceed twenty-four days if necessary to ensure that all
28 temporary motions in the case can be heard at the same time.

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

38 (6) The court shall order that any temporary restraining order
39 bearing a criminal offense legend, any domestic violence protection

1 order, or any antiharassment protection order granted under this
2 section be forwarded by the clerk of the court on or before the next
3 judicial day to the appropriate law enforcement agency specified in the
4 order. Upon receipt of the order, the law enforcement agency shall
5 enter the order into any computer-based criminal intelligence
6 information system available in this state used by law enforcement
7 agencies to list outstanding warrants. The order is fully enforceable
8 in any county in the state.

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

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

20 (9) The court may issue a temporary restraining order or
21 preliminary injunction and an order for temporary support in such
22 amounts and on such terms as are just and proper in the circumstances.
23 In issuing the order, the court shall consider the provisions of RCW
24 9.41.800.

25 (10) A temporary order, temporary restraining order, or preliminary
26 injunction:

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

29 (b) May be revoked or modified;

30 (c) Terminates when the final order is entered or when the petition
31 is dismissed; and

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

34 (11) A support debt owed to the state for public assistance
35 expenditures which has been charged against a party pursuant to RCW
36 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
37 extinguished by, the final decree or order, unless the office of
38 support enforcement has been given notice of the final proceeding and
39 an opportunity to present its claim for the support debt to the court

1 and has failed to file an affidavit as provided in this subsection.
2 Notice of the proceeding shall be served upon the office of support
3 enforcement personally, or by certified mail, and shall be given no
4 fewer than thirty days prior to the date of the final proceeding. An
5 original copy of the notice shall be filed with the court either before
6 service or within a reasonable time thereafter. The office of support
7 enforcement may present its claim, and thereby preserve the support
8 debt, by filing an affidavit setting forth the amount of the debt with
9 the court, and by mailing a copy of the affidavit to the parties or
10 their attorney prior to the date of the final proceeding.

11 **PART 3**

12 **HEARINGS AND ADJUDICATION**

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

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

20 (2) Unless the results of genetic testing are admitted to rebut
21 other results of genetic testing, the man identified as the father of
22 the child under section 405 of this act must be adjudicated the father
23 of the child.

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

29 (4) Unless the results of genetic testing are admitted to rebut
30 other results of genetic testing, a man excluded as the father of a
31 child by genetic testing must be adjudicated not to be the father of
32 the child.

33 NEW SECTION. **Sec. 532.** JURY PROHIBITED. The court, without a
34 jury, shall adjudicate parentage of a child.

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

5 (2) A final order in a proceeding under this section and sections
6 501 through 532 and 534 through 537 of this act is available for public
7 inspection. Other papers and records are available only with the
8 consent of the parties or on order of the court for good cause.

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

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

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

13 NEW SECTION. **Sec. 535.** DISMISSAL FOR WANT OF PROSECUTION. The
14 court may issue an order dismissing a proceeding commenced under this
15 chapter for want of prosecution only without prejudice. An order of
16 dismissal for want of prosecution with prejudice is void and may be
17 challenged in another judicial or an administrative proceeding.

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

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

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

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

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

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

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

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

9 (b) All parties to an adjudication by a court acting under
10 circumstances that satisfy the jurisdictional requirements of RCW
11 26.21.075.

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

14 (a) The acknowledgment of paternity is consistent with the results
15 of the genetic testing;

16 (b) The adjudication of parentage was based on a finding consistent
17 with the results of genetic testing and the consistency is declared in
18 the determination or is otherwise shown; or

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

21 (3) In a proceeding to dissolve a marriage, the court is deemed to
22 have made an adjudication of the parentage of a child if the court acts
23 under circumstances that satisfy the jurisdictional requirements of RCW
24 26.21.075, and the final order:

25 (a) Expressly identifies a child as a "child of the marriage,"
26 "issue of the marriage," or similar words indicating that the husband
27 is the father of the child; or

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

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

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

1 **ARTICLE 6**

2 **CHILD OF ASSISTED REPRODUCTION**

3 **NEW SECTION. Sec. 601. SCOPE OF ARTICLE.** Sections 602 through
4 607 of this act do not apply to the birth of a child conceived by means
5 of sexual intercourse.

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

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

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

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

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

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

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

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

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

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

1 (c) The husband never openly treated the child as his own.
2 (3) The limitation provided in this section applies to a marriage
3 declared invalid after assisted reproduction.

4 NEW SECTION. Sec. 606. EFFECT OF DISSOLUTION OF MARRIAGE. (1) If
5 a marriage is dissolved before placement of eggs, sperm, or an embryo,
6 the former spouse is not a parent of the resulting child unless the
7 former spouse consented in a record that if assisted reproduction were
8 to occur after a divorce, the former spouse would be a parent of the
9 child.

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

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

18 **ARTICLE 7**

19 **MISCELLANEOUS PROVISIONS**

20 **Sec. 701.** RCW 5.44.140 and 1990 c 175 s 1 are each amended to read
21 as follows:

22 In any proceeding regarding the determination of a family
23 relationship, including but not limited to the parent and child
24 relationship and the marriage relationship, a determination of family
25 relationships regarding any person or persons who immigrated to the
26 United States from a foreign country which was made or accepted by the
27 United States immigration and naturalization service at the time of
28 that person or persons' entry into the United States creates a
29 rebuttable presumption that the determination is valid and that the
30 family relationship under foreign law is as made or accepted at the
31 time of entry. Except as provided in ((RCW 26.26.040 (1)(f) and (2)))
32 section 204(2) of this act, the presumption may be overcome by a
33 preponderance of evidence showing that a living person other than the
34 person named by the United States immigration and naturalization
35 service is in the relationship in question.

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

3 Notwithstanding anything to the contrary in this chapter, the
4 privilege created in this chapter is subject to the same limitations
5 and exemptions contained in RCW ((~~26.26.1207~~)) 26.44.060(3)((~~7~~)) and
6 51.04.050 as those limitations and exemptions relate to the
7 physician/patient privilege of RCW 5.60.060.

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

10 (1) The chief of police of a municipality or the sheriff of a
11 county shall within thirty days after the filing of an application of
12 any person, issue a license to such person to carry a pistol concealed
13 on his or her person within this state for five years from date of
14 issue, for the purposes of protection or while engaged in business,
15 sport, or while traveling. However, if the applicant does not have a
16 valid permanent Washington driver's license or Washington state
17 identification card or has not been a resident of the state for the
18 previous consecutive ninety days, the issuing authority shall have up
19 to sixty days after the filing of the application to issue a license.
20 The issuing authority shall not refuse to accept completed applications
21 for concealed pistol licenses during regular business hours.

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

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

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

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

29 (d) He or she is subject to a court order or injunction regarding
30 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
31 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, ((~~26.26.1377~~))
32 26.50.060, ((~~or~~)) 26.50.070, or section 524 of this act;

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

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

1 (g) He or she has been ordered to forfeit a firearm under RCW
2 9.41.098(1)(e) within one year before filing an application to carry a
3 pistol concealed on his or her person.

4 No person convicted of a felony may have his or her right to
5 possess firearms restored or his or her privilege to carry a concealed
6 pistol restored, unless the person has been granted relief from
7 disabilities by the secretary of the treasury under 18 U.S.C. Sec.
8 925(c), or RCW 9.41.040 (3) or (4) applies.

9 (2) The issuing authority shall check with the national crime
10 information center, the Washington state patrol electronic data base,
11 the department of social and health services electronic data base, and
12 with other agencies or resources as appropriate, to determine whether
13 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
14 a firearm and therefore ineligible for a concealed pistol license.
15 This subsection applies whether the applicant is applying for a new
16 concealed pistol license or to renew a concealed pistol license.

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

24 (4) The license application shall bear the full name, residential
25 address, telephone number at the option of the applicant, date and
26 place of birth, race, gender, description, not more than two complete
27 sets of fingerprints, and signature of the licensee, and the licensee's
28 driver's license number or state identification card number if used for
29 identification in applying for the license. A signed application for
30 a concealed pistol license shall constitute a waiver of confidentiality
31 and written request that the department of social and health services,
32 mental health institutions, and other health care facilities release
33 information relevant to the applicant's eligibility for a concealed
34 pistol license to an inquiring court or law enforcement agency.

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

37 The license and application shall contain a warning substantially
38 as follows:

1 CAUTION: Although state and local laws do not differ, federal
2 law and state law on the possession of firearms differ. If you
3 are prohibited by federal law from possessing a firearm, you
4 may be prosecuted in federal court. A state license is not a
5 defense to a federal prosecution.

6 The license shall contain a description of the major differences
7 between state and federal law and an explanation of the fact that local
8 laws and ordinances on firearms are preempted by state law and must be
9 consistent with state law. The application shall contain questions
10 about the applicant's eligibility under RCW 9.41.040 to possess a
11 pistol, the applicant's place of birth, and whether the applicant is a
12 United States citizen. The applicant shall not be required to produce
13 a birth certificate or other evidence of citizenship. A person who is
14 not a citizen of the United States shall meet the additional
15 requirements of RCW 9.41.170 and produce proof of compliance with RCW
16 9.41.170 upon application. The license shall be in triplicate and in
17 a form to be prescribed by the department of licensing.

18 The original thereof shall be delivered to the licensee, the
19 duplicate shall within seven days be sent to the director of licensing
20 and the triplicate shall be preserved for six years, by the authority
21 issuing the license.

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

25 (5) The nonrefundable fee, paid upon application, for the original
26 five-year license shall be thirty-six dollars plus additional charges
27 imposed by the Federal Bureau of Investigation that are passed on to
28 the applicant. No other state or local branch or unit of government
29 may impose any additional charges on the applicant for the issuance of
30 the license.

31 The fee shall be distributed as follows:

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

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

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

37 (d) Three dollars to the firearms range account in the general
38 fund.

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

4 The renewal fee shall be distributed as follows:

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

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

8 (c) Three dollars to the firearms range account in the general
9 fund.

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

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

15 (9) A licensee may renew a license if the licensee applies for
16 renewal within ninety days before or after the expiration date of the
17 license. A license so renewed shall take effect on the expiration date
18 of the prior license. A licensee renewing after the expiration date of
19 the license must pay a late renewal penalty of ten dollars in addition
20 to the renewal fee specified in subsection (6) of this section. The
21 fee shall be distributed as follows:

22 (a) Three dollars shall be deposited in the state wildlife fund and
23 used exclusively first for the printing and distribution of a pamphlet
24 on the legal limits of the use of firearms, firearms safety, and the
25 preemptive nature of state law, and subsequently the support of
26 volunteer instructors in the basic firearms safety training program
27 conducted by the department of fish and wildlife. The pamphlet shall
28 be given to each applicant for a license; and

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

31 (10) Notwithstanding the requirements of subsections (1) through
32 (9) of this section, the chief of police of the municipality or the
33 sheriff of the county of the applicant's residence may issue a
34 temporary emergency license for good cause pending review under
35 subsection (1) of this section. However, a temporary emergency license
36 issued under this subsection shall not exempt the holder of the license
37 from any records check requirement. Temporary emergency licenses shall
38 be easily distinguishable from regular licenses.

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

5 (12) A person who knowingly makes a false statement regarding
6 citizenship or identity on an application for a concealed pistol
7 license is guilty of false swearing under RCW 9A.72.040. In addition
8 to any other penalty provided for by law, the concealed pistol license
9 of a person who knowingly makes a false statement shall be revoked, and
10 the person shall be permanently ineligible for a concealed pistol
11 license.

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

13 (a) To the municipality or to the county in which the applicant
14 resides if the applicant resides in a municipality;

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

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

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

20 (1) Any court when entering an order authorized under RCW
21 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
22 26.10.040, 26.10.115, 26.26.130, (~~26.26.137~~) 26.50.060, (~~or~~)
23 26.50.070, or section 524 of this act shall, upon a showing by clear
24 and convincing evidence, that a party has: Used, displayed, or
25 threatened to use a firearm or other dangerous weapon in a felony, or
26 previously committed any offense that makes him or her ineligible to
27 possess a firearm under the provisions of RCW 9.41.040:

28 (a) Require the party to surrender any firearm or other dangerous
29 weapon;

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

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

34 (d) Prohibit the party from obtaining or possessing a concealed
35 pistol license.

36 (2) Any court when entering an order authorized under RCW
37 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
38 26.10.040, 26.10.115, 26.26.130, (~~26.26.137~~) 26.50.060, (~~or~~)

1 26.50.070, or section 524 of this act may, upon a showing by a
2 preponderance of the evidence but not by clear and convincing evidence,
3 that a party has: Used, displayed, or threatened to use a firearm or
4 other dangerous weapon in a felony, or previously committed any offense
5 that makes him or her ineligible to possess a pistol under the
6 provisions of RCW 9.41.040:

7 (a) Require the party to surrender any firearm or other dangerous
8 weapon;

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

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

13 (d) Prohibit the party from obtaining or possessing a concealed
14 pistol license.

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

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

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

29 (6) The court may require the party to surrender any firearm or
30 other dangerous weapon in his or her immediate possession or control or
31 subject to his or her immediate possession or control to the sheriff of
32 the county having jurisdiction of the proceeding, the chief of police
33 of the municipality having jurisdiction, or to the restrained or
34 enjoined party's counsel or to any person designated by the court.

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

37 (1) The provisions of (~~RCW 26.26.090~~) section 512 of this act
38 requiring appointment of a (~~general guardian or~~) guardian ad litem to

1 represent the child in an action brought to determine the parent and
2 child relationship do not apply to actions brought under chapter 26.26
3 RCW if:

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

6 (b) The action is brought by any prosecuting attorney on behalf of
7 the state and the child when referral has been made to the prosecuting
8 attorney by the department of social and health services requesting
9 such action.

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

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

15 (4) The summons shall contain a notice to the parents that pursuant
16 to section 512 of this act the parents have a right to move the court
17 for a guardian ad litem for the child other than the prosecuting
18 attorney or the attorney general subject to subsection (2) of this
19 section.

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

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

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

27 (b) Is appropriate in an action to establish support under RCW
28 74.20A.056; or

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

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

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

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

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

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

8 (c) Notice that the parties must keep the agency issuing the order
9 for genetic testing informed of their residence address and that
10 mailing a notice of time and place for genetic testing to the last
11 known address of the parties by regular mail constitutes valid service
12 of the notice of time and place;

13 (d) Notice that the order for genetic testing may be enforced
14 through:

15 (i) Public assistance grant reduction for noncooperation, pursuant
16 to agency rule, if the child and custodian are receiving public
17 assistance;

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

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

23 (iv) A referral to superior court for remedial sanctions under RCW
24 7.21.060.

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

27 (6) If an action is pending under chapter 26.26 RCW, a judgment for
28 reimbursement of the cost of genetic testing may be awarded under ((RCW
29 26.26.100)) section 521 of this act.

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

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

35 (1) If an alleged father has signed an affidavit acknowledging
36 paternity which has been filed with the state registrar of vital
37 statistics before July 1, 1997, the division of child support may serve
38 a notice and finding of parental responsibility on him. ((Procedures

1 ~~for and responsibility resulting from acknowledgments filed after July~~
2 ~~1, 1997, are in subsections (8) and (9) of this section.))~~ Service of
3 the notice shall be in the same manner as a summons in a civil action
4 or by certified mail, return receipt requested. The notice shall have
5 attached to it a copy of the affidavit or certification of birth record
6 information advising of the existence of a filed affidavit, provided by
7 the state registrar of vital statistics, and shall state that:

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

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

17 (c) If the alleged father does not request that a blood or genetic
18 test be administered or file an application for an adjudicative
19 proceeding, the amount of support stated in the notice and finding of
20 parental responsibility shall become final, subject only to a
21 subsequent determination under ((RCW 26.26.060)) sections 501 through
22 537 of this act that the parent-child relationship does not exist.

23 (2) An alleged father who objects to the amount of support
24 requested in the notice or who requests genetic tests may file an
25 application for an adjudicative proceeding up to twenty days after the
26 date the notice was served. An application for an adjudicative
27 proceeding may be filed within one year of service of the notice and
28 finding of parental responsibility without the necessity for a showing
29 of good cause or upon a showing of good cause thereafter. An
30 adjudicative proceeding under this section shall be pursuant to RCW
31 74.20A.055. The only issues shall be the amount of the accrued debt,
32 the amount of the current and future support obligation, and the
33 reimbursement of the costs of blood or genetic tests if advanced by the
34 department.

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

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

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

5 (4) An alleged father who denies being a responsible parent may
6 request that a blood or genetic test be administered at any time. The
7 request for testing shall be in writing and served on the division of
8 child support personally or by registered or certified mail. If a
9 request for testing is made, the department shall arrange for the test
10 and, pursuant to rules adopted by the department, may advance the cost
11 of such testing. The department shall mail a copy of the test results
12 by certified mail, return receipt requested, to the alleged father's
13 last known address.

14 (5) If the test excludes the alleged father from being a natural
15 parent, the division of child support shall file a copy of the results
16 with the state registrar of vital statistics and shall dismiss any
17 pending administrative collection proceedings based upon the affidavit
18 in issue. The state registrar of vital statistics shall remove the
19 alleged father's name from the birth certificate and change the child's
20 surname to be the same as the mother's maiden name as stated on the
21 birth certificate, or any other name which the mother may select.

22 (6) The alleged father may, within twenty days after the date of
23 receipt of the test results, request the division of child support to
24 initiate an action under ((RCW 26.26.060)) sections 501 through 537 of
25 this act to determine the existence of the parent-child relationship.
26 If the division of child support initiates a superior court action at
27 the request of the alleged father and the decision of the court is that
28 the alleged father is a natural parent, the alleged father shall be
29 liable for court costs incurred.

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

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

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

5 ~~((i))~~ The division of child support may serve a notice and finding of
6 ~~((parental responsibility on him as set forth under this section))~~
7 financial responsibility under RCW 74.20A.055 based on the
8 acknowledgment. The division of child support shall attach a copy of
9 the acknowledgment or certification of the birth record information
10 advising of the existence of a filed acknowledgment of paternity to the
11 notice; ~~((and))~~

12 ~~((ii))~~ The notice shall include a statement that the ~~((alleged))~~
13 acknowledged father or any other signatory may ~~((rescind his~~
14 ~~acknowledgment of paternity. The rescission shall be notarized and~~
15 ~~delivered to the state registrar of vital statistics personally or by~~
16 ~~registered or certified mail. The state registrar shall remove the~~
17 ~~father's name from the birth certificate and change the child's surname~~
18 ~~to be the same as the mother's maiden name as stated on the birth~~
19 ~~certificate or any other name that the mother may select. The state~~
20 ~~registrar shall file rescission notices in a sealed file. All future~~
21 ~~paternity actions on behalf of the child in question shall be performed~~
22 ~~under court order))~~ commence a proceeding in court to rescind or
23 challenge the acknowledgment or denial of paternity under sections 307
24 and 308 of this act; and

25 ~~((iii))~~ The party commencing the action to rescind or challenge the
26 acknowledgment or denial must serve notice on the division of child
27 support and the office of the prosecuting attorney in the county in
28 which the proceeding is commenced. Commencement of a proceeding to
29 rescind or challenge the acknowledgment or denial stays the
30 establishment of the notice and finding of financial responsibility, if
31 the notice has not yet become a final order.

32 ~~((b))~~ ~~((c))~~ (c) If the ~~((alleged))~~ acknowledged father or other party
33 to the notice does not file an application for an adjudicative
34 proceeding or ~~((rescind his))~~ the signatories to the acknowledgment or
35 denial do not commence a proceeding to rescind or challenge the
36 acknowledgment of paternity, the amount of support stated in the notice
37 and finding of ~~((parental))~~ financial responsibility becomes final,
38 subject only to a subsequent determination under ~~((RCW 26.26.060))~~
39 sections 501 through 537 of this act that the parent-child relationship

1 does not exist. The division of child support does not refund nor
2 return any amounts collected under a notice that becomes final under
3 this section or RCW 74.20A.055, even if a court later determines that
4 the acknowledgment is void.

5 ~~((e))~~ (d) An ~~((alleged))~~ acknowledged father or other party to
6 the notice who objects to the amount of support requested in the notice
7 may file an application for an adjudicative proceeding up to twenty
8 days after the date the notice was served. An application for an
9 adjudicative proceeding may be filed within one year of service of the
10 notice and finding of parental responsibility without the necessity for
11 a showing of good cause or upon a showing of good cause thereafter. An
12 adjudicative proceeding under this section shall be pursuant to RCW
13 74.20A.055. The only issues shall be the amount of the accrued debt
14 and the amount of the current and future support obligation.

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

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

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

24 (e) If the ~~((alleged))~~ acknowledged father or other party to the
25 notice does not request ~~((an))~~ a timely adjudicative proceeding, or if
26 ~~((the alleged father fails to rescind his filed acknowledgment of~~
27 ~~paternity))~~ no timely action is brought to rescind or challenge the
28 acknowledgment or denial after service of the notice, the notice of
29 ~~((parental))~~ financial responsibility becomes final for all intents and
30 purposes and may be overturned only by a subsequent superior court
31 order entered under ~~((RCW 26.26.060))~~ sections 501 through 537 of this
32 act.

33 (9) ~~((Affidavits acknowledging))~~ Acknowledgments of paternity that
34 are filed after July 1, 1997, are subject to requirements of chapters
35 26.26, the uniform parentage act, and 70.58 RCW.

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

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

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

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

11 (b) File the certificate of birth together with the mother's and
12 father's social security numbers with the state registrar of vital
13 statistics.

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

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

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

25 (a) Provide an opportunity for the child's mother and natural
26 father to complete an (~~affidavit acknowledging~~) acknowledgment of
27 paternity. The completed (~~affidavit~~) acknowledgment shall be filed
28 with the state registrar of vital statistics. The (~~affidavit~~)
29 acknowledgment shall (~~contain or have attached:~~

30 ~~(i) A sworn statement by the mother consenting to the assertion of~~
31 ~~paternity and stating that this is the only possible father;~~

32 ~~(ii) A statement by the father that he is the natural father of the~~
33 ~~child;~~

34 ~~(iii) A sworn statement signed by the mother and the putative~~
35 ~~father that each has been given notice, both orally and in writing, of~~
36 ~~the alternatives to, the legal consequences of, and the rights,~~
37 ~~including, if one parent is a minor, any rights afforded due to~~
38 ~~minority status, and responsibilities that arise from, signing the~~
39 ~~affidavit acknowledging paternity;~~

1 ~~(iv) Written information, furnished by the department of social and~~
2 ~~health services, explaining the implications of signing, including~~
3 ~~parental rights and responsibilities; and~~

4 ~~(v) The social security numbers of both parents))~~ be prepared as
5 required by section 302 of this act.

6 (b) Provide written information and oral information, furnished by
7 the department of social and health services, to the mother and the
8 father regarding the benefits of having the child's paternity
9 established and of the availability of paternity establishment
10 services, including a request for support enforcement services. The
11 oral and written information shall also include information regarding
12 the alternatives to, the legal consequences of, and the rights,
13 including, if one parent is a minor any rights afforded due to minority
14 status, and responsibilities that arise from, signing the ~~((affidavit~~
15 ~~acknowledging))~~ acknowledgment of paternity.

16 (5) The physician or midwife or his or her agent is entitled to
17 reimbursement for reasonable costs, which the department shall
18 establish by rule, when an ~~((affidavit acknowledging))~~ acknowledgment
19 of paternity is filed with the state registrar of vital statistics.

20 (6) If there is no attending physician or midwife, the father or
21 mother of the child, householder or owner of the premises, manager or
22 superintendent of the public or private institution in which the birth
23 occurred, shall notify the local registrar, within ten days after the
24 birth, of the fact of the birth, and the local registrar shall secure
25 the necessary information and signature to make a proper certificate of
26 birth.

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

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

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

1 NEW SECTION. **Sec. 710.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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

7 (1) RCW 26.26.010 ("Parent and child relationship" defined) and
8 1975-'76 2nd ex.s. c 42 s 2;

9 (2) RCW 26.26.020 (Relationship not dependent on marriage) and
10 1975-'76 2nd ex.s. c 42 s 3;

11 (3) RCW 26.26.030 (How parent and child relationship established)
12 and 1985 c 7 s 86 & 1975-'76 2nd ex.s. c 42 s 4;

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

14 (5) RCW 26.26.040 (Presumption of paternity) and 1997 c 58 s 938,
15 1994 c 230 s 14, 1990 c 175 s 2, 1989 c 55 s 4, & 1975-'76 2nd ex.s. c
16 42 s 5;

17 (6) RCW 26.26.050 (Artificial insemination) and 1975-'76 2nd ex.s.
18 c 42 s 6;

19 (7) RCW 26.26.060 (Determination of father and child relationship--
20 Who may bring action--When action may be brought) and 1983 1st ex.s. c
21 41 s 5 & 1975-'76 2nd ex.s. c 42 s 7;

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

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

27 (10) RCW 26.26.090 (Parties) and 1984 c 260 s 31, 1983 1st ex.s. c
28 41 s 6, & 1975-'76 2nd ex.s. c 42 s 10;

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

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

32 (13) RCW 26.26.120 (Civil action--Testimony--Evidence--Jury) and
33 1994 c 146 s 3, 1984 c 260 s 34, & 1975-'76 2nd ex.s. c 42 s 13;

34 (14) RCW 26.26.137 (Temporary support--Temporary restraining
35 order--Preliminary injunction--Domestic violence or antiharassment
36 protection order--Notice of modification or termination of restraining
37 order--Support debts, notice) and 2000 c 119 s 11, 1995 c 246 s 32,
38 1994 sp.s. c 7 s 456, & 1983 1st ex.s. c 41 s 12;

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

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

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

8 (18) RCW 26.26.900 (Uniformity of application and construction) and
9 1975-'76 2nd ex.s. c 42 s 42;

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

12 (20) RCW 26.26.905 (Severability--1975-'76 2nd ex.s. c 42) and
13 1975-'76 2nd ex.s. c 42 s 44.

14 NEW SECTION. **Sec. 712.** TRANSITIONAL PROVISION. A proceeding to
15 adjudicate parentage which was commenced before the effective date of
16 this section is governed by the law in effect at the time the
17 proceeding was commenced.

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

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

23 NEW SECTION. **Sec. 715.** Sections 101 through 607, 709, 710, and
24 712 through 714 of this act are each added to chapter 26.26 RCW.

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