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SENATE BILL 5623

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State of Washington

61st Legislature

2009 Regular Session

By Senator Kline

Read first time 01/27/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to documentation necessary to challenge  
2 acknowledgment of paternity; and amending RCW 26.26.375.

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

4 **Sec. 1.** RCW 26.26.375 and 2002 c 302 s 316 are each amended to  
5 read as follows:

6 (1) After the period for rescission of an acknowledgment of  
7 paternity provided in RCW 26.26.330 has passed, a parent executing an  
8 acknowledgment of paternity of the child named therein may commence a  
9 judicial proceeding for:

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

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

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

17 (3) Before the period for a challenge to the acknowledgment or  
18 denial of paternity has elapsed under RCW 26.26.335, the petitioner  
19 must specifically allege under penalty of perjury, to the best of the

1 petitioner's knowledge, that: (a) No man other than the man who  
2 executed the acknowledgment of paternity is the father of the child;  
3 (b) there is not currently pending a proceeding to adjudicate the  
4 parentage of the child or that another man is adjudicated the child's  
5 father; and (c) the petitioner has provided notice of the proceeding to  
6 any other men who have claimed parentage of the child. Should the  
7 respondent or any other person appearing in the action deny the  
8 allegations, a permanent parenting plan or residential schedule may not  
9 be entered for the child without the matter being converted to a  
10 proceeding to challenge the acknowledgment of paternity under RCW  
11 26.26.335 and 26.26.340. A copy of the acknowledgment of paternity or  
12 the birth certificate issued by the state in which the child was born  
13 must be filed with the petition or response. The court may convert the  
14 matter to a proceeding to challenge the acknowledgment on its own  
15 motion.

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