
ENGROSSED SUBSTITUTE SENATE BILL 6037

State of Washington

65th Legislature

2018 Regular Session

By Senate Law & Justice (originally sponsored by Senators Pedersen, Walsh, Takko, Fain, Rivers, Billig, Ranker, Cleveland, Kuderer, Van De Wege, Hobbs, Lias, Palumbo, Frockt, Hasegawa, Mullet, Hunt, Saldaña, Rolfes, Dhingra, Carlyle, Darneille, Chase, Conway, Nelson, Wellman, McCoy, and Keiser; by request of Uniform Law Commission)

READ FIRST TIME 01/26/18.

1 AN ACT Relating to the uniform parentage act; adding a new
2 chapter to Title 19 RCW; adding a new chapter to Title 26 RCW;
3 repealing RCW 26.26.011, 26.26.021, 26.26.031, 26.26.041, 26.26.051,
4 26.26.101, 26.26.106, 26.26.111, 26.26.116, 26.26.210, 26.26.220,
5 26.26.230, 26.26.240, 26.26.250, 26.26.260, 26.26.300, 26.26.305,
6 26.26.310, 26.26.315, 26.26.320, 26.26.325, 26.26.330, 26.26.335,
7 26.26.340, 26.26.345, 26.26.350, 26.26.355, 26.26.360, 26.26.365,
8 26.26.370, 26.26.375, 26.26.400, 26.26.405, 26.26.410, 26.26.415,
9 26.26.420, 26.26.425, 26.26.430, 26.26.435, 26.26.440, 26.26.445,
10 26.26.450, 26.26.500, 26.26.505, 26.26.510, 26.26.515, 26.26.520,
11 26.26.525, 26.26.530, 26.26.535, 26.26.540, 26.26.545, 26.26.550,
12 26.26.555, 26.26.570, 26.26.575, 26.26.585, 26.26.590, 26.26.600,
13 26.26.605, 26.26.610, 26.26.615, 26.26.620, 26.26.625, 26.26.630,
14 26.26.700, 26.26.705, 26.26.710, 26.26.715, 26.26.720, 26.26.725,
15 26.26.730, 26.26.735, 26.26.740, 26.26.750, 26.26.760, 26.26.903,
16 26.26.904, 26.26.911, and 26.26.914; providing an effective date; and
17 prescribing penalties.

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

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**SUBCHAPTER 1
GENERAL PROVISIONS**

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

3 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this
4 section apply throughout this chapter unless the context clearly
5 requires otherwise.

6 (1) "Acknowledged parent" means an individual who has established
7 a parent-child relationship under sections 301 through 314 of this
8 act.

9 (2) "Adjudicated parent" means an individual who has been
10 adjudicated to be a parent of a child by a court with jurisdiction.

11 (3) "Alleged genetic parent" means an individual who is alleged
12 to be, or alleges that the individual is, a genetic parent or
13 possible genetic parent of a child whose parentage has not been
14 adjudicated. The term includes an alleged genetic father and alleged
15 genetic mother. The term does not include:

16 (a) A presumed parent;

17 (b) An individual whose parental rights have been terminated or
18 declared not to exist; or

19 (c) A donor.

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

22 (a) Intrauterine or intracervical insemination;

23 (b) Donation of gametes;

24 (c) Donation of embryos;

25 (d) In-vitro fertilization and transfer of embryos; and

26 (e) Intracytoplasmic sperm injection.

27 (5) "Birth record" means a report of birth that has been
28 registered by the state registrar of vital statistics.

29 (6) "Child" means an individual of any age whose parentage may be
30 determined under this chapter.

31 (7) "Child-support agency" means a government entity, public
32 official, or private agency, authorized to provide parentage-
33 establishment services under Title IV-D of the social security act,
34 42 U.S.C. Secs. 651 through 669.

35 (8) "Determination of parentage" means establishment of a parent-
36 child relationship by a judicial proceeding or signing of a valid
37 acknowledgment of parentage under sections 301 through 314 of this
38 act.

1 (9) "Donor" means an individual who provides gametes intended for
2 use in assisted reproduction, whether or not for consideration. The
3 term does not include:

4 (a) A woman who gives birth to a child conceived by assisted
5 reproduction, except as otherwise provided in sections 701 through
6 718 of this act; or

7 (b) A parent under sections 601 through 608 of this act or an
8 intended parent under sections 701 through 718 of this act.

9 (10) "Gamete" means sperm, egg, or any part of a sperm or egg.

10 (11) "Genetic testing" means an analysis of genetic markers to
11 identify or exclude a genetic relationship.

12 (12) "Individual" means a natural person of any age.

13 (13) "Intended parent" means an individual, married or unmarried,
14 who manifests an intent to be legally bound as a parent of a child
15 conceived by assisted reproduction.

16 (14) "Man" means a male individual of any age.

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

19 (16) "Parentage" or "parent-child relationship" means the legal
20 relationship between a child and a parent of the child.

21 (17) "Presumed parent" means an individual who under section 204
22 of this act is presumed to be a parent of a child, unless the
23 presumption is overcome in a judicial proceeding, a valid denial of
24 parentage is made under sections 301 through 314 of this act, or a
25 court adjudicates the individual to be a parent.

26 (18) "Record" means information that is inscribed on a tangible
27 medium or that is stored in an electronic or other medium and is
28 retrievable in perceivable form.

29 (19) "Sign" means, with present intent to authenticate or adopt a
30 record:

31 (a) To execute or adopt a tangible symbol; or

32 (b) To attach to or logically associate with the record an
33 electronic symbol, sound, or process.

34 (20) "Signatory" means an individual who signs a record.

35 (21) "State" means a state of the United States, the District of
36 Columbia, Puerto Rico, the United States Virgin Islands, or any
37 territory or insular possession under the jurisdiction of the United
38 States. The term includes a federally recognized Indian tribe.

1 (22) "Transfer" means a procedure for assisted reproduction by
2 which an embryo or sperm is placed in the body of the woman who will
3 give birth to the child.

4 (23) "Witnessed" means that at least one individual who is
5 authorized to sign has signed a record to verify that the individual
6 personally observed a signatory sign the record.

7 (24) "Woman" means a female individual of any age.

8 NEW SECTION. **Sec. 103.** SCOPE. (1) This chapter applies to an
9 adjudication or determination of parentage.

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

13 NEW SECTION. **Sec. 104.** AUTHORIZED COURT. The superior courts of
14 this state may adjudicate parentage under this chapter.

15 NEW SECTION. **Sec. 105.** APPLICABLE LAW. The court shall apply
16 the law of this state to adjudicate parentage. The applicable law
17 does not depend on:

18 (1) The place of birth of the child; or

19 (2) The past or present residence of the child.

20 NEW SECTION. **Sec. 106.** DATA PRIVACY. A proceeding under this
21 chapter is subject to law of this state other than this chapter which
22 governs the health, safety, privacy, and liberty of a child or other
23 individual who could be affected by disclosure of information that
24 could identify the child or other individual, including address,
25 telephone number, digital contact information, place of employment,
26 social security number, and the child's day care facility or school.

27 NEW SECTION. **Sec. 107.** ESTABLISHMENT OF MATERNITY AND
28 PATERNITY. To the extent practicable, a provision of this chapter
29 applicable to a father-child relationship applies to a mother-child
30 relationship and a provision of this chapter applicable to a mother-
31 child relationship applies to a father-child relationship.

32 **SUBCHAPTER 2**

33 **PARENT-CHILD RELATIONSHIP**

1 NEW SECTION. **Sec. 201.** ESTABLISHMENT OF PARENT-CHILD
2 RELATIONSHIP. A parent-child relationship is established between an
3 individual and a child if:

4 (1) The individual gives birth to the child, except as otherwise
5 provided in sections 701 through 718 of this act;

6 (2) There is a presumption under section 204 of this act of the
7 individual's parentage of the child, unless the presumption is
8 overcome in a judicial proceeding or a valid denial of parentage is
9 made under sections 301 through 314 of this act;

10 (3) The individual is adjudicated a parent of the child under
11 sections 501 through 523 of this act;

12 (4) The individual adopts the child;

13 (5) The individual acknowledges parentage of the child under
14 sections 301 through 314 of this act, unless the acknowledgment is
15 rescinded under section 308 of this act or successfully challenged
16 under sections 301 through 314 or 501 through 523 of this act;

17 (6) The individual's parentage of the child is established under
18 sections 601 through 608 of this act; or

19 (7) The individual's parentage of the child is established under
20 sections 702 through 707.

21 NEW SECTION. **Sec. 202.** NO DISCRIMINATION BASED ON MARITAL
22 STATUS OF PARENT. A parent-child relationship extends equally to
23 every child and parent, regardless of the marital status of the
24 parent.

25 NEW SECTION. **Sec. 203.** CONSEQUENCES OF ESTABLISHING PARENTAGE.
26 Unless parental rights are terminated, a parent-child relationship
27 established under this chapter applies for all purposes, except as
28 otherwise provided by law of this state other than this chapter.

29 NEW SECTION. **Sec. 204.** PRESUMPTION OF PARENTAGE. (1) An
30 individual is presumed to be a parent of a child if:

31 (a) Except as otherwise provided under sections 701 through 718
32 of this act, or law of this state other than this chapter:

33 (i) The individual and the woman who gave birth to the child are
34 married to or in a state registered domestic partnership with each
35 other and the child is born during the marriage or partnership,
36 whether the marriage or partnership is or could be declared invalid;

1 (ii) The individual and the woman who gave birth to the child
2 were married to or in a state registered domestic partnership with
3 each other and the child is born not later than three hundred days
4 after the marriage or partnership is terminated by death,
5 dissolution, annulment, declaration of invalidity, or legal
6 separation, whether the marriage or partnership is or could be
7 declared invalid; or

8 (iii) The individual and the woman who gave birth to the child
9 married or entered into a state registered domestic partnership with
10 each other after the birth of the child, whether the marriage or
11 partnership is or could be declared invalid, the individual at any
12 time asserted parentage of the child, and:

13 (A) The assertion is in a record filed with the state registrar
14 of vital statistics; or

15 (B) The individual agreed to be and is named as a parent of the
16 child on the birth record of the child; or

17 (b) The individual resided in the same household with the child
18 for the first four years of the life of the child, including any
19 period of temporary absence, and openly held out the child as the
20 individual's child.

21 (2) A presumption of parentage under this section may be
22 overcome, and competing claims to parentage may be resolved, only by
23 an adjudication under sections 501 through 523 of this act, or a
24 valid denial of parentage under sections 301 through 314 of this act.

25 NEW SECTION. **Sec. 205.** The secretary of the department of
26 health may adopt rules under the state administrative procedure act,
27 chapter 34.05 RCW, to implement section 204 of this act.

28 NEW SECTION. **Sec. 206.** The secretary of the department of
29 health may charge a fee for filing an assertion of parentage.

30 **SUBCHAPTER 3**
31 **VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE**

32 NEW SECTION. **Sec. 301.** ACKNOWLEDGMENT OF PARENTAGE. A woman who
33 gave birth to a child and an alleged genetic father of the child,
34 intended parent under sections 601 through 608 of this act, or
35 presumed parent may sign an acknowledgment of parentage to establish
36 the parentage of the child.

1 NEW SECTION. **Sec. 302.** EXECUTION OF ACKNOWLEDGMENT OF
2 PARENTAGE. (1) An acknowledgment of parentage under section 301 of
3 this act must:

4 (a) Be in a record signed by the woman who gave birth to the
5 child and by the individual seeking to establish a parent-child
6 relationship, and the signatures must be attested by a notarial
7 officer or witnessed;

8 (b) State that the child whose parentage is being acknowledged:

9 (i) Does not have a presumed parent other than the individual
10 seeking to establish the parent-child relationship or has a presumed
11 parent whose full name is stated; and

12 (ii) Does not have another acknowledged parent, adjudicated
13 parent, or individual who is a parent of the child under sections 601
14 through 608 and 701 through 718 of this act, other than the woman who
15 gave birth to the child; and

16 (c) State that the signatories understand that the acknowledgment
17 is the equivalent of an adjudication of parentage of the child and
18 that a challenge to the acknowledgment is permitted only under
19 limited circumstances and is barred four years after the effective
20 date of the acknowledgment.

21 (2) An acknowledgment of parentage is void if, at the time of
22 signing:

23 (a) An individual other than the individual seeking to establish
24 parentage is a presumed parent, unless a denial of parentage by the
25 presumed parent in a signed record is filed with the state registrar
26 of vital statistics; or

27 (b) An individual, other than the woman who gave birth to the
28 child or the individual seeking to establish parentage, is an
29 acknowledged or adjudicated parent or a parent under sections 601
30 through 608 and 701 through 718 of this act.

31 NEW SECTION. **Sec. 303.** DENIAL OF PARENTAGE. A presumed parent
32 or alleged genetic parent may sign a denial of parentage in a record.
33 The denial of parentage is valid only if:

34 (1) An acknowledgment of parentage by another individual is filed
35 under section 305 of this act;

36 (2) The signature of the presumed parent or alleged genetic
37 parent is attested by a notarial officer or witnessed; and

38 (3) The presumed parent or alleged genetic parent has not
39 previously:

1 (a) Completed a valid acknowledgment of parentage, unless the
2 previous acknowledgment was rescinded under section 308 of this act
3 or challenged successfully under section 309 of this act; or

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

5 NEW SECTION. **Sec. 304.** RULES FOR ACKNOWLEDGMENT OR DENIAL OF
6 PARENTAGE. (1) An acknowledgment of parentage and a denial of
7 parentage may be contained in a single document or may be in
8 counterparts and may be filed with the state registrar of vital
9 statistics separately or simultaneously. If filing of the
10 acknowledgment and denial both are required under this chapter,
11 neither is effective until both are filed.

12 (2) An acknowledgment of parentage or denial of parentage may be
13 signed before or after the birth of the child.

14 (3) Subject to subsection (1) of this section, an acknowledgment
15 of parentage or denial of parentage takes effect on the birth of the
16 child or filing of the document with the state registrar of vital
17 statistics, whichever occurs later.

18 (4) An acknowledgment of parentage or denial of parentage signed
19 by a minor is valid if the acknowledgment complies with this chapter.

20 NEW SECTION. **Sec. 305.** EFFECT OF ACKNOWLEDGMENT OR DENIAL OF
21 PARENTAGE. (1) Except as otherwise provided in sections 308 and 309
22 of this act, an acknowledgment of parentage that complies with
23 sections 301 through 314 of this act and is filed with the state
24 registrar of vital statistics is equivalent to an adjudication of
25 parentage of the child and confers on the acknowledged parent all
26 rights and duties of a parent.

27 (2) Except as otherwise provided in sections 308 and 309 of this
28 act, a denial of parentage by a presumed parent or alleged genetic
29 parent which complies with sections 301 through 314 of this act and
30 is filed with the state registrar of vital statistics with an
31 acknowledgment of parentage that complies with sections 301 through
32 314 of this act is equivalent to an adjudication of the nonparentage
33 of the presumed parent or alleged genetic parent and discharges the
34 presumed parent or alleged genetic parent from all rights and duties
35 of a parent.

36 NEW SECTION. **Sec. 306.** FILING FEE. The secretary of the
37 department of health may charge a fee for filing an acknowledgment of

1 parentage or denial of parentage, or for filing a rescission of an
2 acknowledgment of parentage or denial of parentage.

3 NEW SECTION. **Sec. 307.** RATIFICATION BARRED. A court conducting
4 a judicial proceeding or an administrative agency conducting an
5 administrative proceeding is not required or permitted to ratify an
6 unchallenged acknowledgment of parentage.

7 NEW SECTION. **Sec. 308.** PROCEDURE FOR RESCISSION. (1) A
8 signatory may rescind an acknowledgment of parentage or denial of
9 parentage by filing with the state registrar of vital statistics a
10 rescission in a signed record which is attested by a notarial officer
11 or witnessed, before the earlier of:

12 (a) Sixty days after the effective date under section 304 of this
13 act of the acknowledgment or denial; or

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

17 (2) If an acknowledgment of parentage is rescinded under
18 subsection (1) of this section, an associated denial of parentage is
19 invalid, and the state registrar of vital statistics shall notify the
20 woman who gave birth to the child and the individual who signed a
21 denial of parentage of the child that the acknowledgment has been
22 rescinded. Failure to give the notice required by this subsection
23 does not affect the validity of the rescission.

24 NEW SECTION. **Sec. 309.** CHALLENGE AFTER EXPIRATION OF PERIOD FOR
25 RESCISSION. (1) After the period for rescission under section 308 of
26 this act expires, but not later than four years after the effective
27 date under section 304 of this act of an acknowledgment of parentage
28 or denial of parentage, a signatory of the acknowledgment or denial
29 may commence a proceeding to challenge the acknowledgment or denial,
30 including a challenge brought under section 514 of this act, only on
31 the basis of fraud, duress, or material mistake of fact.

32 (2) A challenge to an acknowledgment of parentage or denial of
33 parentage by an individual who was not a signatory to the
34 acknowledgment or denial is governed by section 510 of this act.

35 NEW SECTION. **Sec. 310.** PROCEDURE FOR CHALLENGE BY SIGNATORY.
36 (1) Every signatory to an acknowledgment of parentage and any related

1 denial of parentage must be made a party to a proceeding to challenge
2 the acknowledgment or denial.

3 (2) By signing an acknowledgment of parentage or denial of
4 parentage, a signatory submits to personal jurisdiction in this state
5 in a proceeding to challenge the acknowledgment or denial, effective
6 on the filing of the acknowledgment or denial with the state
7 registrar of vital statistics.

8 (3) The court may not suspend the legal responsibilities arising
9 from an acknowledgment of parentage, including the duty to pay child
10 support, during the pendency of a proceeding to challenge the
11 acknowledgment or a related denial of parentage, unless the party
12 challenging the acknowledgment or denial shows good cause.

13 (4) A party challenging an acknowledgment of parentage or denial
14 of parentage has the burden of proof.

15 (5) If the court determines that a party has satisfied the burden
16 of proof under subsection (4) of this section, the court shall order
17 the state registrar of vital statistics to amend the birth record of
18 the child to reflect the legal parentage of the child.

19 (6) A proceeding to challenge an acknowledgment of parentage or
20 denial of parentage must be conducted under sections 501 through 523
21 of this act.

22 NEW SECTION. **Sec. 311.** FULL FAITH AND CREDIT. The court shall
23 give full faith and credit to an acknowledgment of parentage or
24 denial of parentage effective in another state if the acknowledgment
25 or denial was in a signed record and otherwise complies with law of
26 the other state.

27 NEW SECTION. **Sec. 312.** FORMS FOR ACKNOWLEDGMENT AND DENIAL OF
28 PARENTAGE. (1) The state registrar of vital statistics shall
29 prescribe forms for an acknowledgment of parentage and denial of
30 parentage.

31 (2) A valid acknowledgment of parentage or denial of parentage is
32 not affected by a later modification of the form under subsection (1)
33 of this section.

34 NEW SECTION. **Sec. 313.** RELEASE OF INFORMATION. The state
35 registrar of vital statistics may release information relating to an
36 acknowledgment of parentage or denial of parentage to a signatory of

1 the acknowledgment or denial, a court, federal agency, and child
2 support agency of this or another state.

3 NEW SECTION. **Sec. 314.** ADOPTION OF RULES. The secretary of the
4 department of health may adopt rules under the state administrative
5 procedure act, chapter 34.05 RCW, to implement sections 301 through
6 314 of this act.

7 **SUBCHAPTER 4**
8 **GENETIC TESTING**

9 NEW SECTION. **Sec. 401.** DEFINITIONS. The definitions in this
10 section apply throughout sections 401 through 412 of this act unless
11 the context clearly requires otherwise.

12 (1) "Combined relationship index" means the product of all tested
13 relationship indices.

14 (2) "Ethnic or racial group" means, for the purpose of genetic
15 testing, a recognized group that an individual identifies as the
16 individual's ancestry or part of the ancestry or that is identified
17 by other information.

18 (3) "Hypothesized genetic relationship" means an asserted genetic
19 relationship between an individual and a child.

20 (4) "Probability of parentage" means, for the ethnic or racial
21 group to which an individual alleged to be a parent belongs, the
22 probability that a hypothesized genetic relationship is supported,
23 compared to the probability that a genetic relationship is supported
24 between the child and a random individual of the ethnic or racial
25 group used in the hypothesized genetic relationship, expressed as a
26 percentage incorporating the combined relationship index and a prior
27 probability.

28 (5) "Relationship index" means a likelihood ratio that compares
29 the probability of a genetic marker given a hypothesized genetic
30 relationship and the probability of the genetic marker given a
31 genetic relationship between the child and a random individual of the
32 ethnic or racial group used in the hypothesized genetic relationship.

33 NEW SECTION. **Sec. 402.** SCOPE—LIMITATION ON USE OF GENETIC
34 TESTING. (1) This subchapter, sections 401 through 412 of this act,
35 governs genetic testing of an individual in a proceeding to
36 adjudicate parentage, whether the individual:

- 1 (a) Voluntarily submits to testing; or
- 2 (b) Is tested under an order of the court or a child support
- 3 agency.
- 4 (2) Genetic testing may not be used:
- 5 (a) To challenge the parentage of an individual who is a parent
- 6 under sections 601 through 608 and 701 through 718 of this act; or
- 7 (b) To establish the parentage of an individual who is a donor.

8 NEW SECTION. **Sec. 403.** AUTHORITY TO ORDER OR DENY GENETIC
9 TESTING. (1) Except as otherwise provided in sections 401 through 412
10 or 501 through 523 of this act, in a proceeding under this chapter to
11 determine parentage, the court shall order the child and any other
12 individual to submit to genetic testing if a request for testing is
13 supported by the sworn statement of a party:

14 (a) Alleging a reasonable possibility that the individual is the
15 child's genetic parent; or

16 (b) Denying genetic parentage of the child and stating facts
17 establishing a reasonable possibility that the individual is not a
18 genetic parent.

19 (2) A child support agency may order genetic testing only if
20 there is no presumed, acknowledged, or adjudicated parent of a child
21 other than the woman who gave birth to the child.

22 (3) The court or child support agency may not order in utero
23 genetic testing.

24 (4) If two or more individuals are subject to court-ordered
25 genetic testing, the court may order that testing be completed
26 concurrently or sequentially.

27 (5) Genetic testing of a woman who gave birth to a child is not a
28 condition precedent to testing of the child and an individual whose
29 genetic parentage of the child is being determined. If the woman is
30 unavailable or declines to submit to genetic testing, the court may
31 order genetic testing of the child and each individual whose genetic
32 parentage of the child is being adjudicated.

33 (6) In a proceeding to adjudicate the parentage of a child having
34 a presumed parent or an individual who claims to be a parent under
35 section 509 of this act, or to challenge an acknowledgment of
36 parentage, the court may deny a motion for genetic testing of the
37 child and any other individual after considering the factors in
38 section 513 (1) and (2) of this act.

1 (7) If an individual requesting genetic testing is barred under
2 sections 501 through 523 of this act from establishing the
3 individual's parentage, the court shall deny the request for genetic
4 testing.

5 (8) An order under this section for genetic testing is
6 enforceable by contempt.

7 NEW SECTION. **Sec. 404.** REQUIREMENTS FOR GENETIC TESTING. (1)

8 Genetic testing must be of a type reasonably relied on by experts in
9 the field of genetic testing and performed in a testing laboratory
10 accredited by:

11 (a) The AABB, formerly known as the American association of blood
12 banks, or a successor to its functions; or

13 (b) An accrediting body designated by the secretary of the United
14 States department of health and human services.

15 (2) A specimen used in genetic testing may consist of a sample or
16 a combination of samples of blood, buccal cells, bone, hair, or other
17 body tissue or fluid. The specimen used in the testing need not be of
18 the same kind for each individual undergoing genetic testing.

19 (3) Based on the ethnic or racial group of an individual
20 undergoing genetic testing, a testing laboratory shall determine the
21 databases from which to select frequencies for use in calculating a
22 relationship index. If an individual or a child support agency
23 objects to the laboratory's choice, the following rules apply:

24 (a) Not later than thirty days after receipt of the report of the
25 test, the objecting individual or child support agency may request
26 the court to require the laboratory to recalculate the relationship
27 index using an ethnic or racial group different from that used by the
28 laboratory.

29 (b) The individual or the child support agency objecting to the
30 laboratory's choice under this subsection shall:

31 (i) If the requested frequencies are not available to the
32 laboratory for the ethnic or racial group requested, provide the
33 requested frequencies compiled in a manner recognized by accrediting
34 bodies; or

35 (ii) Engage another laboratory to perform the calculations.

36 (c) The laboratory may use its own statistical estimate if there
37 is a question which ethnic or racial group is appropriate. The
38 laboratory shall calculate the frequencies using statistics, if
39 available, for any other ethnic or racial group requested.

1 (4) If, after recalculation of the relationship index under
2 subsection (3) of this section using a different ethnic or racial
3 group, genetic testing under section 406 of this act does not
4 identify an individual as a genetic parent of a child, the court may
5 require an individual who has been tested to submit to additional
6 genetic testing to identify a genetic parent.

7 NEW SECTION. **Sec. 405.** REPORT OF GENETIC TESTING. (1) A report
8 of genetic testing must be in a record and signed under penalty of
9 perjury by a designee of the testing laboratory. A report complying
10 with the requirements of sections 401 through 412 of this act is
11 self-authenticating.

12 (2) Documentation from a testing laboratory of the following
13 information is sufficient to establish a reliable chain of custody
14 and allow the results of genetic testing to be admissible without
15 testimony:

16 (a) The name and photograph of each individual whose specimen has
17 been taken;

18 (b) The name of the individual who collected each specimen;

19 (c) The place and date each specimen was collected;

20 (d) The name of the individual who received each specimen in the
21 testing laboratory; and

22 (e) The date each specimen was received.

23 NEW SECTION. **Sec. 406.** GENETIC TESTING RESULTS—CHALLENGE TO
24 RESULTS. (1) Subject to a challenge under subsection (2) of this
25 section, an individual is identified under this chapter as a genetic
26 parent of a child if genetic testing complies with sections 401
27 through 412 of this act and the results of the testing disclose:

28 (a) The individual has at least a ninety-nine percent probability
29 of parentage, using a prior probability of 0.50, as calculated by
30 using the combined relationship index obtained in the testing; and

31 (b) A combined relationship index of at least one hundred to one.

32 (2) An individual identified under subsection (1) of this section
33 as a genetic parent of the child may challenge the genetic testing
34 results only by other genetic testing satisfying the requirements of
35 sections 401 through 412 of this act which:

36 (a) Excludes the individual as a genetic parent of the child; or

37 (b) Identifies another individual as a possible genetic parent of
38 the child other than:

- 1 (i) The woman who gave birth to the child; or
2 (ii) The individual identified under subsection (1) of this
3 section.

4 (3) Except as otherwise provided in section 411 of this act, if
5 more than one individual other than the woman who gave birth is
6 identified by genetic testing as a possible genetic parent of the
7 child, the court shall order each individual to submit to further
8 genetic testing to identify a genetic parent.

9 NEW SECTION. **Sec. 407.** COST OF GENETIC TESTING. (1) Subject to
10 assessment of fees under sections 501 through 523 of this act,
11 payment of the cost of initial genetic testing must be made in
12 advance:

13 (a) By a child support agency in a proceeding in which the child
14 support agency is providing services;

15 (b) By the individual who made the request for genetic testing;

16 (c) As agreed by the parties; or

17 (d) As ordered by the court.

18 (2) If the cost of genetic testing is paid by a child support
19 agency, the agency may seek reimbursement from the genetic parent
20 whose parent-child relationship is established.

21 NEW SECTION. **Sec. 408.** ADDITIONAL GENETIC TESTING. The court or
22 child support agency shall order additional genetic testing on
23 request of an individual who contests the result of the initial
24 testing under section 406 of this act. If initial genetic testing
25 under section 406 of this act identified an individual as a genetic
26 parent of the child, the court or agency may not order additional
27 testing unless the contesting individual pays for the testing in
28 advance.

29 NEW SECTION. **Sec. 409.** GENETIC TESTING WHEN SPECIMEN NOT
30 AVAILABLE. (1) Subject to subsection (2) of this section, if a
31 genetic testing specimen is not available from an alleged genetic
32 parent of a child, an individual seeking genetic testing demonstrates
33 good cause, and the court finds that the circumstances are just, the
34 court may order any of the following individuals to submit specimens
35 for genetic testing:

36 (a) A parent of the alleged genetic parent;

37 (b) A sibling of the alleged genetic parent;

1 (c) Another child of the alleged genetic parent and the woman who
2 gave birth to the other child; and

3 (d) Another relative of the alleged genetic parent necessary to
4 complete genetic testing.

5 (2) To issue an order under this section, the court must find
6 that a need for genetic testing outweighs the legitimate interests of
7 the individual sought to be tested.

8 NEW SECTION. **Sec. 410.** DECEASED INDIVIDUAL. If an individual
9 seeking genetic testing demonstrates good cause, the court may order
10 genetic testing of a deceased individual.

11 NEW SECTION. **Sec. 411.** IDENTICAL SIBLINGS. (1) If the court
12 finds there is reason to believe that an alleged genetic parent has
13 an identical sibling and evidence that the sibling may be a genetic
14 parent of the child, the court may order genetic testing of the
15 sibling.

16 (2) If more than one sibling is identified under section 406 of
17 this act as a genetic parent of the child, the court may rely on
18 nongenetic evidence to adjudicate which sibling is a genetic parent
19 of the child.

20 NEW SECTION. **Sec. 412.** CONFIDENTIALITY OF GENETIC TESTING. (1)
21 Release of a report of genetic testing for parentage is controlled by
22 chapter 70.02 RCW.

23 (2) An individual who intentionally releases an identifiable
24 specimen of another individual collected for genetic testing under
25 sections 401 through 412 of this act, for a purpose not relevant to a
26 proceeding regarding parentage, without a court order or written
27 permission of the individual who furnished the specimen, commits a
28 gross misdemeanor punishable under RCW 9.92.020.

29 **SUBCHAPTER 5**
30 **PROCEEDING TO ADJUDICATE PARENTAGE**

31 **Nature of Proceeding**

32 NEW SECTION. **Sec. 501.** PROCEEDING AUTHORIZED. (1) A proceeding
33 may be commenced to adjudicate the parentage of a child. Except as

1 otherwise provided in this chapter, the proceeding is governed by the
2 rules of civil procedure.

3 (2) A proceeding to adjudicate the parentage of a child born
4 under a surrogacy agreement is governed by sections 701 through 718
5 of this act.

6 NEW SECTION. **Sec. 502.** STANDING TO MAINTAIN PROCEEDING. Except
7 as otherwise provided in sections 301 through 314 and 508 through 511
8 of this act, a proceeding to adjudicate parentage may be maintained
9 by:

- 10 (1) The child;
- 11 (2) The woman who gave birth to the child, unless a court has
12 adjudicated that she is not a parent;
- 13 (3) An individual who is a parent under this chapter;
- 14 (4) An individual whose parentage of the child is to be
15 adjudicated;
- 16 (5) The division of child support;
- 17 (6) An adoption agency authorized by law of this state other than
18 this chapter or licensed child placement agency; or
- 19 (7) A representative authorized by law of this state other than
20 this chapter to act for an individual who otherwise would be entitled
21 to maintain a proceeding but is deceased, incapacitated, or a minor.

22 NEW SECTION. **Sec. 503.** NOTICE OF PROCEEDING. (1) The petitioner
23 shall give notice of a proceeding to adjudicate parentage to the
24 following individuals:

- 25 (a) The woman who gave birth to the child, unless a court has
26 adjudicated that she is not a parent;
- 27 (b) An individual who is a parent of the child under this
28 chapter;
- 29 (c) A presumed, acknowledged, or adjudicated parent of the child;
30 and
- 31 (d) An individual whose parentage of the child is to be
32 adjudicated.

33 (2) An individual entitled to notice under subsection (1) of this
34 section has a right to intervene in the proceeding.

35 (3) Lack of notice required by subsection (1) of this section
36 does not render a judgment void. Lack of notice does not preclude an
37 individual entitled to notice under subsection (1) of this section
38 from bringing a proceeding under section 511(2) of this act.

1 NEW SECTION. **Sec. 504.** PERSONAL JURISDICTION. (1) The court may
2 adjudicate an individual's parentage of a child only if the court has
3 personal jurisdiction over the individual.

4 (2) A court of this state with jurisdiction to adjudicate
5 parentage may exercise personal jurisdiction over a nonresident
6 individual, or the guardian or conservator of the individual, if the
7 conditions prescribed in RCW 26.21A.100 are satisfied.

8 (3) Lack of jurisdiction over one individual does not preclude
9 the court from making an adjudication of parentage binding on another
10 individual.

11 NEW SECTION. **Sec. 505.** VENUE. Except as otherwise provided in
12 section 707 of this act, venue for a proceeding to adjudicate
13 parentage is in the county of this state in which:

14 (1) The child resides or is located;

15 (2) If the child does not reside in this state, the respondent
16 resides or is located; or

17 (3) A proceeding has been commenced for administration of the
18 estate of an individual who is or may be a parent under this chapter.

19 **Special Rules for Proceeding to Adjudicate Parentage**

20 NEW SECTION. **Sec. 506.** ADMISSIBILITY OF RESULTS OF GENETIC
21 TESTING. (1) Except as otherwise provided in section 402(2) of this
22 act, the court shall admit a report of genetic testing ordered by the
23 court under section 403 of this act as evidence of the truth of the
24 facts asserted in the report.

25 (2) A party may object to the admission of a report described in
26 subsection (1) of this section, not later than fourteen days after
27 the party receives the report. The party shall cite specific grounds
28 for exclusion.

29 (3) A party that objects to the results of genetic testing may
30 call a genetic testing expert to testify in person or by another
31 method approved by the court. Unless the court orders otherwise, the
32 party offering the testimony bears the expense for the expert
33 testifying.

34 (4) Admissibility of a report of genetic testing is not affected
35 by whether the testing was performed:

36 (a) Voluntarily or under an order of the court or a child support
37 agency; or

1 (b) Before, on, or after commencement of the proceeding.

2 NEW SECTION. **Sec. 507.** ADJUDICATING PARENTAGE OF CHILD WITH
3 ALLEGED GENETIC PARENT. (1) A proceeding to determine whether an
4 alleged genetic parent who is not a presumed parent is a parent of a
5 child may be commenced:

6 (a) Before the child becomes an adult; or

7 (b) After the child becomes an adult, but only if the child
8 initiates the proceeding.

9 (2) Except as otherwise provided in section 514 of this act, this
10 subsection applies in a proceeding described in subsection (1) of
11 this section if the woman who gave birth to the child is the only
12 other individual with a claim to parentage of the child. The court
13 shall adjudicate an alleged genetic parent to be a parent of the
14 child if the alleged genetic parent:

15 (a) Is identified under section 406 of this act as a genetic
16 parent of the child and the identification is not successfully
17 challenged under section 406 of this act;

18 (b) Admits parentage in a pleading, when making an appearance, or
19 during a hearing, the court accepts the admission, and the court
20 determines the alleged genetic parent to be a parent of the child;

21 (c) Declines to submit to genetic testing ordered by the court or
22 a child support agency, in which case the court may adjudicate the
23 alleged genetic parent to be a parent of the child even if the
24 alleged genetic parent denies a genetic relationship with the child;

25 (d) Is in default after service of process and the court
26 determines the alleged genetic parent to be a parent of the child; or

27 (e) Is neither identified nor excluded as a genetic parent by
28 genetic testing and, based on other evidence, the court determines
29 the alleged genetic parent to be a parent of the child.

30 (3) Except as otherwise provided in section 514 of this act and
31 subject to other limitations in sections 501 through 523 of this act,
32 if in a proceeding involving an alleged genetic parent, at least one
33 other individual in addition to the woman who gave birth to the child
34 has a claim to parentage of the child, the court shall adjudicate
35 parentage under section 513 of this act.

36 NEW SECTION. **Sec. 508.** ADJUDICATING PARENTAGE OF CHILD WITH
37 PRESUMED PARENT. (1) A proceeding to determine whether a presumed
38 parent is a parent of a child may be commenced:

1 (a) Before the child becomes an adult; or
2 (b) After the child becomes an adult, but only if the child
3 initiates the proceeding.

4 (2) A presumption of parentage under section 204 of this act
5 cannot be overcome after the child attains four years of age unless
6 the court determines:

7 (a) The presumed parent is not a genetic parent, never resided
8 with the child, and never held out the child as the presumed parent's
9 child; or
10 (b) The child has more than one presumed parent.

11 (3) Except as otherwise provided in section 514 of this act, the
12 following rules apply in a proceeding to adjudicate a presumed
13 parent's parentage of a child if the woman who gave birth to the
14 child is the only other individual with a claim to parentage of the
15 child:

16 (a) If no party to the proceeding challenges the presumed
17 parent's parentage of the child, the court shall adjudicate the
18 presumed parent to be a parent of the child.

19 (b) If the presumed parent is identified under section 406 of
20 this act as a genetic parent of the child and that identification is
21 not successfully challenged under section 406 of this act, the court
22 shall adjudicate the presumed parent to be a parent of the child.

23 (c) If the presumed parent is not identified under section 406 of
24 this act as a genetic parent of the child and the presumed parent or
25 the woman who gave birth to the child challenges the presumed
26 parent's parentage of the child, the court shall adjudicate the
27 parentage of the child in the best interest of the child based on the
28 factors under section 513 (1) and (2) of this act.

29 (4) Except as otherwise provided in section 514 of this act and
30 subject to other limitations in sections 501 through 523 of this act,
31 if in a proceeding to adjudicate a presumed parent's parentage of a
32 child, another individual in addition to the woman who gave birth to
33 the child asserts a claim to parentage of the child, the court shall
34 adjudicate parentage under section 513 of this act.

35 NEW SECTION. **Sec. 509.** ADJUDICATING CLAIM OF DE FACTO PARENTAGE
36 OF CHILD. (1) A proceeding to establish parentage of a child under
37 this section may be commenced only by an individual who:
38 (a) Is alive when the proceeding is commenced; and
39 (b) Claims to be a de facto parent of the child.

1 (2) An individual who claims to be a de facto parent of a child
2 must commence a proceeding to establish parentage of a child under
3 this section:

4 (a) Before the child attains eighteen years of age; and

5 (b) While the child is alive.

6 (3) The following rules govern standing of an individual who
7 claims to be a de facto parent of a child to maintain a proceeding
8 under this section:

9 (a) The individual must file an initial verified pleading
10 alleging specific facts that support the claim to parentage of the
11 child asserted under this section. The verified pleading must be
12 served on all parents and legal guardians of the child and any other
13 party to the proceeding.

14 (b) An adverse party, parent, or legal guardian may file a
15 pleading in response to the pleading filed under (a) of this
16 subsection. A responsive pleading must be verified and must be served
17 on parties to the proceeding.

18 (c) Unless the court finds a hearing is necessary to determine
19 disputed facts material to the issue of standing, the court shall
20 determine, based on the pleadings under (a) and (b) of this
21 subsection, whether the individual has alleged facts sufficient to
22 satisfy by a preponderance of the evidence the requirements of
23 subsection (4)(a) through (g) of this section. If the court holds a
24 hearing under this subsection, the hearing must be held on an
25 expedited basis.

26 (4) In a proceeding to adjudicate parentage of an individual who
27 claims to be a de facto parent of the child, the court shall
28 adjudicate the individual who claims to be a de facto parent to be a
29 parent of the child if the individual demonstrates by a preponderance
30 of the evidence that:

31 (a) The individual resided with the child as a regular member of
32 the child's household for a significant period;

33 (b) The individual engaged in consistent caretaking of the child;

34 (c) The individual undertook full and permanent responsibilities
35 of a parent of the child without expectation of financial
36 compensation;

37 (d) The individual held out the child as the individual's child;

38 (e) The individual established a bonded and dependent
39 relationship with the child which is parental in nature;

1 (f) Another parent of the child fostered or supported the bonded
2 and dependent relationship required under (e) of this subsection; and
3 (g) Continuing the relationship between the individual and the
4 child is in the best interest of the child.

5 NEW SECTION. **Sec. 510.** ADJUDICATING PARENTAGE OF CHILD WITH
6 ACKNOWLEDGED PARENT. (1) If a child has an acknowledged parent, a
7 proceeding to challenge the acknowledgment of parentage or a denial
8 of parentage, brought by a signatory to the acknowledgment or denial,
9 is governed by sections 309 and 310 of this act.

10 (2) If a child has an acknowledged parent, the following rules
11 apply in a proceeding to challenge the acknowledgment of parentage or
12 a denial of parentage brought by an individual, other than the child,
13 who has standing under section 502 of this act and was not a
14 signatory to the acknowledgment or denial:

15 (a) The individual must commence the proceeding not later than
16 four years after the effective date of the acknowledgment.

17 (b) The court may permit the proceeding only if the court finds
18 permitting the proceeding is in the best interest of the child.

19 (c) If the court permits the proceeding, the court shall
20 adjudicate parentage under section 513 of this act.

21 NEW SECTION. **Sec. 511.** ADJUDICATING PARENTAGE OF CHILD WITH
22 ADJUDICATED PARENT. (1) If a child has an adjudicated parent, a
23 proceeding to challenge the adjudication, brought by an individual
24 who was a party to the adjudication or received notice under section
25 503 of this act, is governed by the rules governing a collateral
26 attack on a judgment.

27 (2) If a child has an adjudicated parent, the following rules
28 apply to a proceeding to challenge the adjudication of parentage
29 brought by an individual, other than the child, who has standing
30 under section 502 of this act and was not a party to the adjudication
31 and did not receive notice under section 503 of this act:

32 (a) The individual must commence the proceeding not later than
33 four years after the effective date of the adjudication.

34 (b) The court may permit the proceeding only if the court finds
35 permitting the proceeding is in the best interest of the child.

36 (c) If the court permits the proceeding, the court shall
37 adjudicate parentage under section 513 of this act.

1 NEW SECTION. **Sec. 512.** ADJUDICATING PARENTAGE OF CHILD OF
2 ASSISTED REPRODUCTION. (1) An individual who is a parent under
3 sections 601 through 608 of this act or the woman who gave birth to
4 the child may bring a proceeding to adjudicate parentage. If the
5 court determines the individual is a parent under sections 601
6 through 608 of this act, the court shall adjudicate the individual to
7 be a parent of the child.

8 (2) In a proceeding to adjudicate an individual's parentage of a
9 child, if another individual other than the woman who gave birth to
10 the child is a parent under sections 601 through 608 of this act, the
11 court shall adjudicate the individual's parentage of the child under
12 section 513 of this act.

13 NEW SECTION. **Sec. 513.** ADJUDICATING COMPETING CLAIMS OF
14 PARENTAGE. (1) Except as otherwise provided in section 514 of this
15 act, in a proceeding to adjudicate competing claims of, or challenges
16 under section 508(3), 510, or 511 of this act to, parentage of a
17 child by two or more individuals, the court shall adjudicate
18 parentage in the best interest of the child, based on:

19 (a) The age of the child;

20 (b) The length of time during which each individual assumed the
21 role of parent of the child;

22 (c) The nature of the relationship between the child and each
23 individual;

24 (d) The harm to the child if the relationship between the child
25 and each individual is not recognized;

26 (e) The basis for each individual's claim to parentage of the
27 child; and

28 (f) Other equitable factors arising from the disruption of the
29 relationship between the child and each individual or the likelihood
30 of other harm to the child.

31 (2) If an individual challenges parentage based on the results of
32 genetic testing, in addition to the factors listed in subsection (1)
33 of this section, the court shall consider:

34 (a) The facts surrounding the discovery the individual might not
35 be a genetic parent of the child; and

36 (b) The length of time between the time that the individual was
37 placed on notice that the individual might not be a genetic parent
38 and the commencement of the proceeding.

1 (3) The court may adjudicate a child to have more than two
2 parents under this chapter if the court finds that failure to
3 recognize more than two parents would be detrimental to the child. A
4 finding of detriment to the child does not require a finding of
5 unfitness of any parent or individual seeking an adjudication of
6 parentage. In determining detriment to the child, the court shall
7 consider all relevant factors, including the harm if the child is
8 removed from a stable placement with an individual who has fulfilled
9 the child's physical needs and psychological needs for care and
10 affection and has assumed the role for a substantial period.

11 NEW SECTION. Sec. 514. PRECLUDING ESTABLISHMENT OF PARENTAGE BY
12 PERPETRATOR OF SEXUAL ASSAULT. (1) For the purposes of this section,
13 "sexual assault" means nonconsensual sexual penetration that results
14 in pregnancy.

15 (2) In a proceeding in which a parent alleges that a person
16 committed a sexual assault that resulted in the parent becoming
17 pregnant and subsequently giving birth to a child, the parent may
18 seek to preclude the person from establishing or maintaining the
19 person's parentage of the child. A parent who alleges that a child
20 was born as a result of sexual assault may also seek additional
21 relief as described in this section.

22 (3) This section does not apply if:

23 (a) The person described in subsection (2) of this section has
24 previously been adjudicated in a proceeding brought under section 501
25 of this act to be a parent of the child, except as may be
26 specifically permitted under subsection (4) of this section.

27 (4) Unless section 309 or 507 of this act applies, a parent must
28 file a pleading making an allegation under subsection (2) of this
29 section not later than four years after the birth of the child,
30 except that for a period of one year after the effective date of this
31 section, a court may waive the time bar in cases in which a presumed,
32 acknowledged, or adjudicated parent was found in a criminal or
33 separate civil proceeding to have committed a sexual assault against
34 the parent alleging that the child was born as a result of the sexual
35 assault.

36 (5) If a parent makes an allegation under subsection (2) of this
37 section and subsection (3) of this section does not apply, the court
38 must conduct a fact-finding hearing on the allegation.

1 (a) The court may not enter any temporary orders providing
2 residential time or decision making to the alleged perpetrator prior
3 to the fact-finding hearing on the sexual assault allegation unless
4 both of the following criteria are satisfied: (i) The alleged
5 perpetrator has a bonded and dependent relationship with the child
6 that is parental in nature; and (ii) the court specifically finds
7 that it would be in the best interest of the child if such temporary
8 orders are entered.

9 (b) Prior to the fact-finding hearing, the court may order
10 genetic testing to determine whether the alleged perpetrator is
11 biologically related to the child. If genetic testing reveals that
12 the alleged perpetrator is not biologically related to the child, the
13 fact-finding hearing must be stricken.

14 (c) Fourteen days prior to the fact-finding hearing, the parent
15 alleging that the child was born as a result of a sexual assault
16 shall submit affidavits setting forth facts supporting the allegation
17 and shall give notice, together with a copy of the affidavit, to
18 other parties to the proceedings, who may file opposing affidavits.
19 Opposing affidavits must be submitted and served to other parties to
20 the proceeding five days prior to the fact-finding hearing.

21 (d) The court shall determine on the record whether affidavits
22 and documents submitted for the fact-finding hearing should be
23 sealed.

24 (6) An allegation under subsection (2) of this section may be
25 proved by:

26 (a) Evidence that the person was convicted of or pleaded guilty
27 to a sexual assault under RCW 9A.44.040, 9A.44.050, or 9A.44.060, or
28 a comparable crime of sexual assault in any jurisdiction, against the
29 child's parent and the child was born within three hundred twenty
30 days after the sexual assault; or

31 (b) Clear, cogent, and convincing evidence that the person
32 committed sexual assault, as defined in this section, against the
33 child's parent and the child was born within three hundred twenty
34 days after the sexual assault.

35 (7) Subject to subsections (1) through (5) of this section, if
36 the court determines that an allegation has been proved under
37 subsection (6) of this section at the fact-finding hearing or after a
38 bench trial, the court shall:

39 (a) Adjudicate that the person described in subsection (2) of
40 this section is not a parent of the child, has no right to

1 residential time or decision-making responsibilities for the child,
2 has no right to inheritance from the child, and has no right to
3 notification of, or standing to object to, the adoption of the child.
4 If the parent who was the victim of the sexual assault expressly
5 consents in writing for the court to decline to enter one or more of
6 these restrictions or limitations, the court may do so;

7 (b) Require the state registrar of vital statistics to amend the
8 birth record if requested by the parent and the court determines that
9 the amendment is in the best interest of the child; and

10 (c) Require the person pay to child support, birth-related costs,
11 or both, unless the parent requests otherwise and the court
12 determines that granting the request is in the best interest of the
13 child.

14 (8) The child's parent or guardian may decline an order for child
15 support or birth-related costs. If the child's parent or guardian
16 declines an order for child support, and is either currently
17 receiving public assistance or later applies for it for the child
18 born as a result of the sexual assault, support enforcement agencies
19 as defined in this chapter shall not file administrative or court
20 proceedings to establish or collect child support, including medical
21 support, from the person described in subsection (2) of this section.

22 (9) If the court enters an order under subsection (8) of this
23 section providing that no child support obligation may be established
24 or collected from the person described in subsection (2) of this
25 section, the court shall forward a copy of the order to the
26 Washington state support registry.

27 (10) The court may order an award of attorneys' fees under this
28 section on the same basis as attorneys' fees are awarded under RCW
29 26.09.140.

30 (11) Any party may move to close the fact-finding hearing and any
31 related proceedings under this section to the public. If no party
32 files such a motion, the court shall determine on its own initiative
33 whether the fact-finding hearing and any related proceedings under
34 this section should be closed to the public. Upon finding good cause
35 for closing the proceeding, and if consistent with Article I, section
36 10 of the state Constitution, the court may:

37 (a) Restrict admission to only those persons whom the court finds
38 to have a direct interest in the case or in the work of the court,
39 including witnesses deemed necessary to the disposition of the case;
40 and

1 (b) Restrict persons who are admitted from disclosing any
2 information obtained at the hearing that would identify the parties
3 involved or the child.

4 **Hearing and Adjudication**

5 NEW SECTION. **Sec. 515.** TEMPORARY ORDER. (1) In a proceeding
6 under sections 501 through 523 of this act, the court may issue a
7 temporary order for child support if the order is consistent with law
8 of this state other than this chapter and the individual ordered to
9 pay support is:

- 10 (a) A presumed parent of the child;
 - 11 (b) Petitioning to be adjudicated a parent;
 - 12 (c) Identified as a genetic parent through genetic testing under
13 section 406 of this act;
 - 14 (d) An alleged genetic parent who has declined to submit to
15 genetic testing;
 - 16 (e) Shown by clear and convincing evidence to be a parent of the
17 child; or
 - 18 (f) A parent under this chapter.
- 19 (2) A temporary order may include a provision for parenting time
20 and visitation under law of this state other than this chapter.

21 NEW SECTION. **Sec. 516.** COMBINING PROCEEDINGS. (1) Except as
22 otherwise provided in subsection (2) of this section, the court may
23 combine a proceeding to adjudicate parentage under this chapter with
24 a proceeding for adoption or termination of parental rights under
25 chapter 26.33 RCW; determination of a parenting plan, child support,
26 annulment, dissolution of marriage, dissolution of a domestic
27 partnership, or legal separation under chapter 26.09 or 26.19 RCW; or
28 probate or administration of an estate under chapter 11.48 or 11.54
29 RCW; or other appropriate proceeding.

30 (2) A respondent may not combine a proceeding described in
31 subsection (1) with a proceeding to adjudicate parentage brought
32 under the uniform interstate family support act, chapter 26.21A RCW.

33 NEW SECTION. **Sec. 517.** PROCEEDING BEFORE BIRTH. Except as
34 otherwise provided in sections 701 through 718 of this act, a
35 proceeding to adjudicate parentage may be commenced before the birth
36 of the child and an order or judgment may be entered before birth,

1 but enforcement of the order or judgment must be stayed until the
2 birth of the child. It is the responsibility of the parent to present
3 the order or judgment to the hospital, midwife, or other party
4 handling the delivery of the child so that the birth record may be
5 entered properly.

6 NEW SECTION. **Sec. 518.** CHILD AS PARTY; REPRESENTATION. (1) A
7 minor child is a permissive party but not a necessary party to a
8 proceeding under sections 501 through 523 of this act.

9 (2) The court shall appoint a guardian ad litem, subject to RCW
10 74.20.310, to represent a child in a proceeding under sections 501
11 through 523 of this act, if the court finds that the interests of the
12 child are not adequately represented.

13 NEW SECTION. **Sec. 519.** COURT TO ADJUDICATE PARENTAGE. The court
14 shall adjudicate parentage of a child without a jury.

15 NEW SECTION. **Sec. 520.** HEARING—INSPECTION OF RECORDS. (1) On
16 request of a party and for good cause, the court may close a
17 proceeding under sections 501 through 523 of this act to the public.

18 (2) A final order in a proceeding under sections 501 through 523
19 of this act is available for public inspection. Other papers and
20 records are available for public inspection only with the consent of
21 the parties or by court order.

22 NEW SECTION. **Sec. 521.** DISMISSAL FOR WANT OF PROSECUTION. The
23 court may dismiss a proceeding under this chapter for want of
24 prosecution only without prejudice. An order of dismissal for want of
25 prosecution purportedly with prejudice is void and has only the
26 effect of a dismissal without prejudice.

27 NEW SECTION. **Sec. 522.** ORDER ADJUDICATING PARENTAGE. (1) An
28 order adjudicating parentage must identify the child in a manner
29 provided by law of this state other than this chapter.

30 (2) Except as otherwise provided in subsection (3) of this
31 section, the court may assess filing fees, reasonable attorneys'
32 fees, fees for genetic testing, other costs, and necessary travel and
33 other reasonable expenses incurred in a proceeding under sections 501
34 through 523 of this act. Attorneys' fees awarded under this

1 subsection may be paid directly to the attorney, and the attorney may
2 enforce the order in the attorney's own name.

3 (3) The court may not assess fees, costs, or expenses in a
4 proceeding under sections 501 through 523 of this act, against a
5 child support agency of this state or another state, except as
6 provided by law of this state other than this chapter.

7 (4) In a proceeding under sections 501 through 523 of this act, a
8 copy of a bill for genetic testing or prenatal or postnatal health
9 care for the woman who gave birth to the child and the child,
10 provided to the adverse party not later than ten days before a
11 hearing, is admissible to establish:

12 (a) The amount of the charge billed; and

13 (b) That the charge is reasonable and necessary.

14 (5) On request of a party and for good cause, the court in a
15 proceeding under sections 501 through 523 of this act, may order the
16 name of the child changed. If the court order changing the name
17 varies from the name on the birth record of the child, the court
18 shall order the state registrar of vital statistics to amend the
19 birth record.

20 (6) On request of a party and for good cause, the court in a
21 proceeding under sections 501 through 523 of this act may order the
22 parents listed on the birth record of the child changed. If the
23 adjudicated parents listed in the court order vary from the parents
24 listed on the birth record of the child, the court shall order the
25 state registrar of vital statistics to amend the birth record.

26 NEW SECTION. **Sec. 523.** BINDING EFFECT OF DETERMINATION OF
27 PARENTAGE. (1) Except as otherwise provided in subsection (2) of this
28 section:

29 (a) A signatory to an acknowledgment of parentage or denial of
30 parentage is bound by the acknowledgment and denial as provided in
31 sections 301 through 314 of this act; and

32 (b) A party to an adjudication of parentage by a court acting
33 under circumstances that satisfy the jurisdiction requirements of RCW
34 26.21A.100 and any individual who received notice of the proceeding
35 are bound by the adjudication.

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

1 (a) The determination was based on an unrescinded acknowledgment
2 of parentage and the acknowledgment is consistent with the results of
3 genetic testing;

4 (b) The determination was based on a finding consistent with the
5 results of genetic testing, and the consistency is declared in the
6 determination or otherwise shown;

7 (c) The determination of parentage was made under sections 601
8 through 608 or 701 through 718 of this act; or

9 (d) The child was a party or was represented by a guardian ad
10 litem in the proceeding.

11 (3) In a proceeding for dissolution of marriage or domestic
12 partnership, the court is deemed to have made an adjudication of
13 parentage of a child if the court acts under circumstances that
14 satisfy the jurisdiction requirements of RCW 26.21A.100 and the final
15 order:

16 (a) Expressly identifies the child as a "child of the marriage,"
17 "issue of the marriage," "child of the domestic partnership," "issue
18 of the domestic partnership," or includes similar words indicating
19 that both spouses in the marriage or domestic partners in the
20 domestic partnership are parents of the child; or

21 (b) Provides for support of the child by a spouse or domestic
22 partner unless that spouse or domestic partner's parentage is
23 disclaimed specifically in the order.

24 (4) Except as otherwise provided in subsection (2) of this
25 section or section 511 of this act, a determination of parentage may
26 be asserted as a defense in a subsequent proceeding seeking to
27 adjudicate parentage of an individual who was not a party to the
28 earlier proceeding.

29 (5) A party to an adjudication of parentage may challenge the
30 adjudication only under law of this state other than this chapter
31 relating to appeal, vacation of judgment, or other judicial review.

32 **SUBCHAPTER 6**
33 **ASSISTED REPRODUCTION**

34 NEW SECTION. **Sec. 601.** SCOPE OF SUBCHAPTER. This subchapter,
35 sections 601 through 608 of this act, does not apply to the birth of
36 a child conceived by sexual intercourse or assisted reproduction
37 under a surrogacy agreement under sections 701 through 718 of this
38 act.

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

3 NEW SECTION. **Sec. 603.** PARENTAGE OF CHILD OF ASSISTED
4 REPRODUCTION. An individual who consents under section 604 of this
5 act to assisted reproduction by a woman with the intent to be a
6 parent of a child conceived by the assisted reproduction is a parent
7 of the child.

8 NEW SECTION. **Sec. 604.** CONSENT TO ASSISTED REPRODUCTION. (1)
9 Except as otherwise provided in subsection (2) of this section, the
10 consent described in section 603 of this act must be in a record
11 signed by a woman giving birth to a child conceived by assisted
12 reproduction and an individual who intends to be a parent of the
13 child.

14 (2) Failure to consent in a record as required by subsection (1)
15 of this section, before, on, or after birth of the child, does not
16 preclude the court from finding consent to parentage if:

17 (a) The woman or the individual proves by clear and convincing
18 evidence the existence of an express agreement entered into before
19 conception that the individual and the woman intended they both would
20 be parents of the child; or

21 (b) The woman and the individual for the first four years of the
22 child's life, including any period of temporary absence, resided
23 together in the same household with the child and both openly held
24 out the child as the individual's child, unless the individual dies
25 or becomes incapacitated before the child attains four years of age
26 or the child dies before the child attains four years of age, in
27 which case the court may find consent under this subsection to
28 parentage if a party proves by clear and convincing evidence that the
29 woman and the individual intended to reside together in the same
30 household with the child and both intended the individual would
31 openly hold out the child as the individual's child, but the
32 individual was prevented from carrying out that intent by death or
33 incapacity.

34 NEW SECTION. **Sec. 605.** LIMITATION ON SPOUSE'S DISPUTE OF
35 PARENTAGE. (1) Except as otherwise provided in subsection (2) of this
36 section, an individual who, at the time of a child's birth, is the
37 spouse of the woman who gave birth to the child by assisted

1 reproduction may not challenge the individual's parentage of the
2 child unless:

3 (a) Not later than four years after the birth of the child, the
4 individual commences a proceeding to adjudicate the individual's
5 parentage of the child; and

6 (b) The court finds the individual did not consent to the
7 assisted reproduction, before, on, or after birth of the child, or
8 withdrew consent under section 607 of this act.

9 (2) A proceeding to adjudicate a spouse's parentage of a child
10 born by assisted reproduction may be commenced at any time if the
11 court determines:

12 (a) The spouse neither provided a gamete for, nor consented to,
13 the assisted reproduction;

14 (b) The spouse and the woman who gave birth to the child have not
15 cohabited since the probable time of assisted reproduction; and

16 (c) The spouse never openly held out the child as the spouse's
17 child.

18 (3) This section applies to a spouse's dispute of parentage even
19 if the spouse's marriage is declared invalid after assisted
20 reproduction occurs.

21 NEW SECTION. **Sec. 606.** EFFECT OF CERTAIN LEGAL PROCEEDINGS
22 REGARDING MARRIAGE OR DOMESTIC PARTNERSHIP. If a marriage or domestic
23 partnership of a woman who gives birth to a child conceived by
24 assisted reproduction is terminated through dissolution, subject to
25 legal separation, declared invalid, or annulled before transfer of
26 gametes or embryos to the woman, a former spouse or domestic partner
27 of the woman is not a parent of the child unless the former spouse or
28 domestic partner consented in a record that the former spouse or
29 domestic partner would be a parent of the child if assisted
30 reproduction were to occur after a dissolution, legal separation,
31 declaration of invalidity, or annulment, and the former spouse or
32 domestic partner did not withdraw consent under section 607 of this
33 act.

34 NEW SECTION. **Sec. 607.** WITHDRAWAL OF CONSENT. (1) An individual
35 who consents under section 604 of this act to assisted reproduction
36 may withdraw consent any time before a transfer that results in a
37 pregnancy, by giving notice in a record of the withdrawal of consent
38 to the woman who agreed to give birth to a child conceived by

1 assisted reproduction and to any clinic or health care provider
2 facilitating the assisted reproduction. Failure to give notice to the
3 clinic or health care provider does not affect a determination of
4 parentage under this chapter.

5 (2) An individual who withdraws consent under subsection (1) of
6 this section is not a parent of the child under this chapter.

7 NEW SECTION. **Sec. 608.** PARENTAL STATUS OF DECEASED INDIVIDUAL.

8 (1) If an individual who intends to be a parent of a child conceived
9 by assisted reproduction dies during the period between the transfer
10 of a gamete or embryo and the birth of the child, the individual's
11 death does not preclude the establishment of the individual's
12 parentage of the child if the individual otherwise would be a parent
13 of the child under this chapter.

14 (2) If an individual who consented in a record to assisted
15 reproduction by a woman who agreed to give birth to a child dies
16 before a transfer of gametes or embryos, the deceased individual is a
17 parent of a child conceived by the assisted reproduction only if:

18 (a) Either:

19 (i) The individual consented in a record that if assisted
20 reproduction were to occur after the death of the individual, the
21 individual would be a parent of the child; or

22 (ii) The individual's intent to be a parent of a child conceived
23 by assisted reproduction after the individual's death is established
24 by clear and convincing evidence; and

25 (b) Either:

26 (i) The embryo is in utero not later than thirty-six months after
27 the individual's death; or

28 (ii) The child is born not later than forty-five months after the
29 individual's death.

30 **SUBCHAPTER 7**

31 **SURROGACY AGREEMENT**

32 **General Requirements**

33 NEW SECTION. **Sec. 701.** DEFINITIONS. The definitions in this
34 section apply throughout this subchapter, sections 701 through 718 of
35 this act, unless the context clearly requires otherwise.

1 (1) "Genetic surrogate" means a woman who is not an intended
2 parent and who agrees to become pregnant through assisted
3 reproduction using her own gamete, under a genetic surrogacy
4 agreement as provided in sections 701 through 718 of this act.

5 (2) "Gestational surrogate" means a woman who is not an intended
6 parent and who agrees to become pregnant through assisted
7 reproduction using gametes that are not her own, under a gestational
8 surrogacy agreement as provided in sections 701 through 718 of this
9 act.

10 (3) "Surrogacy agreement" means an agreement between one or more
11 intended parents and a woman who is not an intended parent in which
12 the woman agrees to become pregnant through assisted reproduction and
13 which provides that each intended parent is a parent of a child
14 conceived under the agreement. Unless otherwise specified, the term
15 refers to both a gestational surrogacy agreement and a genetic
16 surrogacy agreement.

17 NEW SECTION. **Sec. 702.** ELIGIBILITY TO ENTER GESTATIONAL OR
18 GENETIC SURROGACY AGREEMENT. (1) To execute an agreement to act as a
19 gestational or genetic surrogate, a woman must:

20 (a) Have attained twenty-one years of age;

21 (b) Previously have given birth to at least one child but not
22 enter into more than two surrogacy agreements that result in the
23 birth of children;

24 (c) Complete a medical evaluation related to the surrogacy
25 arrangement by a licensed medical doctor;

26 (d) Complete a mental health consultation by a licensed mental
27 health professional; and

28 (e) Have independent legal representation of her choice
29 throughout the surrogacy arrangement regarding the terms of the
30 surrogacy agreement and the potential legal consequences of the
31 agreement.

32 (2) To execute a surrogacy agreement, each intended parent,
33 whether or not genetically related to the child, must:

34 (a) Have attained twenty-one years of age;

35 (b) Complete a medical evaluation related to the surrogacy
36 arrangement by a licensed medical doctor;

37 (c) Complete a mental health consultation by a licensed mental
38 health professional; and

1 (d) Have independent legal representation of the intended
2 parent's choice throughout the surrogacy arrangement regarding the
3 terms of the surrogacy agreement and the potential legal consequences
4 of the agreement.

5 NEW SECTION. **Sec. 703.** REQUIREMENTS OF GESTATIONAL OR GENETIC
6 SURROGACY AGREEMENT—PROCESS. A surrogacy agreement must be executed
7 in compliance with the following rules:

8 (1) At least one party must be a resident of this state or, if no
9 party is a resident of this state, at least one medical evaluation or
10 procedure or mental health consultation under the agreement must
11 occur in this state.

12 (2) A woman acting as a surrogate and each intended parent must
13 meet the requirements of section 702 of this act.

14 (3) Each intended parent, the woman acting as a surrogate, and
15 the spouse of the woman acting as a surrogate, if any, must be
16 parties to the agreement.

17 (4) The agreement must be in a record signed by each party listed
18 in subsection (3) of this section.

19 (5) The woman acting as a surrogate and each intended parent must
20 acknowledge in a record receipt of a copy of the agreement.

21 (6) The signature of each party to the agreement must be attested
22 by a notarial officer or witnessed.

23 (7) The woman acting as a surrogate and the intended parent or
24 parents must have independent legal representation throughout the
25 surrogacy arrangement regarding the terms of the surrogacy agreement
26 and the potential legal consequences of the agreement, and each
27 counsel must be identified in the surrogacy agreement.

28 (8) The intended parent or parents must pay for independent legal
29 representation for the woman acting as a surrogate.

30 (9) The agreement must be executed before a medical procedure
31 occurs related to the surrogacy agreement, other than the medical
32 evaluation and mental health consultation required by section 702 of
33 this act.

34 NEW SECTION. **Sec. 704.** REQUIREMENTS OF GESTATIONAL OR GENETIC
35 SURROGACY AGREEMENT—CONTENT. (1) A surrogacy agreement must comply
36 with the following requirements:

37 (a) A woman acting as a surrogate agrees to attempt to become
38 pregnant by means of assisted reproduction.

1 (b) Except as otherwise provided in sections 711, 714, and 715 of
2 this act, the woman acting as a surrogate and the spouse or former
3 spouse of the woman acting as a surrogate, if any, have no claim to
4 parentage of a child conceived by assisted reproduction under the
5 agreement.

6 (c) The spouse of the woman acting as a surrogate, if any, must
7 acknowledge and agree to comply with the obligations imposed on the
8 woman acting as a surrogate by the agreement.

9 (d) Except as otherwise provided in sections 711, 714, and 715 of
10 this act, the intended parent or, if there are two intended parents,
11 each one jointly and severally, immediately on birth will be the
12 exclusive parent or parents of the child, regardless of number of
13 children born or gender or mental or physical condition of each
14 child.

15 (e) Except as otherwise provided in sections 711, 714, and 715,
16 the intended parent or, if there are two intended parents, each
17 parent jointly and severally, immediately on birth will assume
18 responsibility for the financial support of the child, regardless of
19 number of children born or gender or mental or physical condition of
20 each child.

21 (f) The agreement must include information disclosing how each
22 intended parent will cover the surrogacy-related expenses of the
23 surrogate and the medical expenses of the child. If health care
24 coverage is used to cover the medical expenses, the disclosure must
25 include a summary of the health care policy provisions related to
26 coverage for surrogate pregnancy, including any possible liability of
27 the woman acting as a surrogate, third-party liability liens, other
28 insurance coverage, and any notice requirement that could affect
29 coverage or liability of the woman acting as a surrogate. Unless the
30 agreement expressly provides otherwise, the review and disclosure do
31 not constitute legal advice. If the extent of coverage is uncertain,
32 a statement of that fact is sufficient to comply with this subsection
33 (1)(f).

34 (g) The agreement must permit the woman acting as a surrogate to
35 make all health and welfare decisions regarding herself and her
36 pregnancy and, notwithstanding any other provisions in this chapter,
37 provisions in the agreement to the contrary are void and
38 unenforceable. This chapter does not diminish the right of the woman
39 acting as a surrogate to terminate her pregnancy.

1 (h) The agreement must include information about each party's
2 right under sections 701 through 718 of this act to terminate the
3 surrogacy agreement.

4 (2) A surrogacy agreement may provide for:

5 (a) Payment of consideration and reasonable expenses; and

6 (b) Reimbursement of specific expenses if the agreement is
7 terminated under sections 701 through 718 of this act.

8 (3) A right created under a surrogacy agreement is not assignable
9 and there is no third-party beneficiary of the agreement other than
10 the child.

11 NEW SECTION. **Sec. 705.** SURROGACY AGREEMENT—EFFECT OF SUBSEQUENT
12 CHANGE OF MARITAL STATUS. (1) Unless a surrogacy agreement expressly
13 provides otherwise:

14 (a) The marriage or domestic partnership of a woman acting as a
15 surrogate after the agreement is signed by all parties does not
16 affect the validity of the agreement, her spouse or domestic
17 partner's consent to the agreement is not required, and her spouse or
18 domestic partner is not a presumed parent of a child conceived by
19 assisted reproduction under the agreement; and

20 (b) The dissolution, annulment, declaration of invalidity, or
21 legal separation of the woman acting as a surrogate after the
22 agreement is signed by all parties does not affect the validity of
23 the agreement.

24 (2) Unless a surrogacy agreement expressly provides otherwise:

25 (a) The marriage or domestic partnership of an intended parent
26 after the agreement is signed by all parties does not affect the
27 validity of a surrogacy agreement, the consent of the spouse or
28 domestic partner of the intended parent is not required, and the
29 spouse or domestic partner of the intended parent is not, based on
30 the agreement, a parent of a child conceived by assisted reproduction
31 under the agreement; and

32 (b) The dissolution, annulment, declaration of invalidity, or
33 legal separation of an intended parent after the agreement is signed
34 by all parties does not affect the validity of the agreement and,
35 except as otherwise provided in section 714 of this act, the intended
36 parents are the parents of the child.

37 NEW SECTION. **Sec. 706.** INSPECTION OF DOCUMENTS. Unless the
38 court orders otherwise, a petition and any other document related to

1 a surrogacy agreement filed with the court under sections 701 through
2 718 of this act, are not open to inspection by any individual other
3 than the parties to the proceeding, a child conceived by assisted
4 reproduction under the agreement, their attorneys, and the state
5 registrar of vital statistics. A court may not authorize an
6 individual to inspect a document related to the agreement, unless
7 required by exigent circumstances. The individual seeking to inspect
8 the document may be required to pay the expense of preparing a copy
9 of the document to be inspected.

10 NEW SECTION. **Sec. 707.** VENUE AND EXCLUSIVE, CONTINUING
11 JURISDICTION. (1) Notwithstanding the provisions of section 505 of
12 this act, venue for a proceeding under this subchapter, sections 701
13 through 718 of this act, may be in a county of this state in which:

- 14 (a) The child resides or is located;
15 (b) The respondent resides or is located;
16 (c) An intended parent resides;
17 (d) A medical evaluation or procedure or mental health
18 consultation under the surrogacy agreement occurred; or
19 (e) A proceeding has been commenced for administration of the
20 estate of an individual who is or may be a parent under this
21 subchapter.

22 (2) During the period after the execution of a surrogacy
23 agreement until ninety days after the birth of a child conceived by
24 assisted reproduction under the agreement, a court of this state
25 conducting a proceeding under this chapter has exclusive, continuing
26 jurisdiction over all matters arising out of the agreement. This
27 section does not give the court jurisdiction over a child custody or
28 child support proceeding if jurisdiction is not otherwise authorized
29 by law of this state other than this chapter.

30 **Special Rules for Gestational Surrogacy Agreement**

31 NEW SECTION. **Sec. 708.** TERMINATION OF GESTATIONAL SURROGACY
32 AGREEMENT. (1) A party to a gestational surrogacy agreement may
33 terminate the agreement, at any time before an embryo transfer, by
34 giving notice of termination in a record to all other parties. If an
35 embryo transfer does not result in a pregnancy, a party may terminate
36 the agreement at any time before a subsequent embryo transfer.

1 (2) Unless a gestational surrogacy agreement provides otherwise,
2 on termination of the agreement under subsection (1) of this section,
3 the parties are released from the agreement, except that each
4 intended parent remains responsible for expenses that are
5 reimbursable under the agreement and incurred by the woman acting as
6 a gestational surrogate through the date of termination.

7 (3) Except in a case involving fraud, neither a woman acting as a
8 gestational surrogate nor the surrogate's spouse or former spouse, if
9 any, is liable to the intended parent or parents for a penalty or
10 liquidated damages, for terminating a gestational surrogacy agreement
11 under this section.

12 NEW SECTION. **Sec. 709.** PARENTAGE UNDER GESTATIONAL SURROGACY
13 AGREEMENT. (1) Except as otherwise provided in subsection (3) of this
14 section or section 710(2) or 712 of this act, on birth of a child
15 conceived by assisted reproduction under a gestational surrogacy
16 agreement, each intended parent is, by operation of law, a parent of
17 the child.

18 (2) Except as otherwise provided in subsection (3) of this
19 section or section 712 of this act, neither a woman acting as a
20 gestational surrogate nor the surrogate's spouse or former spouse, if
21 any, is a parent of the child.

22 (3) If a child is alleged to be a genetic child of the woman who
23 agreed to be a gestational surrogate, the court shall order genetic
24 testing of the child. If the child is a genetic child of the woman
25 who agreed to be a gestational surrogate, parentage must be
26 determined based on sections 101 through 523 of this act.

27 (4) Except as otherwise provided in subsection (3) of this
28 section or section 710(2) or 712 of this act, if, due to a clinical
29 or laboratory error, a child conceived by assisted reproduction under
30 a gestational surrogacy agreement is not genetically related to an
31 intended parent or a donor who donated to the intended parent or
32 parents, each intended parent, and not the woman acting as a
33 gestational surrogate and the surrogate's spouse or former spouse, if
34 any, is a parent of the child, subject to any other claim of
35 parentage.

36 NEW SECTION. **Sec. 710.** GESTATIONAL SURROGACY AGREEMENT—
37 PARENTAGE OF DECEASED INTENDED PARENT. (1) Section 709 of this act
38 applies to an intended parent even if the intended parent died during

1 the period between the transfer of a gamete or embryo and the birth
2 of the child.

3 (2) Except as otherwise provided in section 712 of this act, an
4 intended parent is not a parent of a child conceived by assisted
5 reproduction under a gestational surrogacy agreement if the intended
6 parent dies before the transfer of a gamete or embryo unless:

7 (a) The agreement provides otherwise; and

8 (b) The transfer of a gamete or embryo occurs not later than
9 thirty-six months after the death of the intended parent or birth of
10 the child occurs not later than forty-five months after the death of
11 the intended parent.

12 NEW SECTION. Sec. 711. GESTATIONAL SURROGACY AGREEMENT—ORDER OF
13 PARENTAGE. (1) Except as otherwise provided in section 709(3) or 712
14 of this act, before, on, or after the birth of a child conceived by
15 assisted reproduction under a gestational surrogacy agreement, a
16 party to the agreement may commence a proceeding in the superior
17 court for an order or judgment:

18 (a) Declaring that each intended parent is a parent of the child
19 and ordering that parental rights and duties vest immediately on the
20 birth of the child exclusively in each intended parent;

21 (b) Declaring that the woman acting as a gestational surrogate
22 and the surrogate's spouse or former spouse, if any, are not the
23 parents of the child;

24 (c) Directing the state registrar of vital statistics to list
25 each intended parent as a parent of the child on the birth record;

26 (d) To protect the privacy of the child and the parties,
27 declaring that the court record is not open to inspection except as
28 authorized under section 706 of this act;

29 (e) If necessary, that the child be surrendered to the intended
30 parent or parents; and

31 (f) For other relief the court determines necessary and proper.

32 (2) The court may issue an order or judgment under subsection (1)
33 of this section before the birth of the child. The court shall stay
34 enforcement of the order or judgment until the birth of the child.

35 (3) Neither this state nor the state registrar of vital
36 statistics is a necessary party to a proceeding under subsection (1)
37 of this section.

1 NEW SECTION. **Sec. 712.** EFFECT OF GESTATIONAL SURROGACY
2 AGREEMENT. (1) A gestational surrogacy agreement that complies with
3 sections 702, 703, and 704 of this act is enforceable.

4 (2) If a child was conceived by assisted reproduction under a
5 gestational surrogacy agreement that does not comply with sections
6 702, 703, and 704 of this act, the court shall determine the rights
7 and duties of the parties to the agreement consistent with the intent
8 of the parties at the time of execution of the agreement. Each party
9 to the agreement and any individual who at the time of the execution
10 of the agreement was a spouse of a party to the agreement has
11 standing to maintain a proceeding to adjudicate an issue related to
12 the enforcement of the agreement.

13 (3) Except as expressly provided in a gestational surrogacy
14 agreement or subsection (4) or (5) of this section, if the agreement
15 is breached by the woman acting as a gestational surrogate or one or
16 more intended parents, the nonbreaching party is entitled to the
17 remedies available at law or in equity.

18 (4) Specific performance is not a remedy available for breach by
19 a woman acting as a gestational surrogate of a provision in the
20 agreement that the gestational surrogate be impregnated.

21 (5) Except as otherwise provided in subsection (4) of this
22 section, if an intended parent is determined to be a parent of the
23 child, specific performance is a remedy available for:

24 (a) Breach of the agreement by a woman acting as a gestational
25 surrogate which prevents the intended parent from exercising
26 immediately on birth of the child the full rights of parentage; or

27 (b) Breach by the intended parent which prevents the intended
28 parent's acceptance, immediately on birth of the child conceived by
29 assisted reproduction under the agreement, of the duties of
30 parentage.

31 **Special Rules for Genetic Surrogacy Agreement**

32 NEW SECTION. **Sec. 713.** REQUIREMENTS TO VALIDATE GENETIC
33 SURROGACY AGREEMENT. (1) Except as otherwise provided in section 716
34 of this act, to be enforceable, a genetic surrogacy agreement must be
35 validated by the superior court. A proceeding to validate the
36 agreement must be commenced before assisted reproduction related to
37 the surrogacy agreement.

1 (2) The court shall issue an order validating a genetic surrogacy
2 agreement if the court finds that:

3 (a) Sections 702, 703, and 704 of this act are satisfied; and

4 (b) All parties entered into the agreement voluntarily and
5 understand its terms.

6 (3) An individual who terminates under section 714 of this act a
7 genetic surrogacy agreement shall file notice of the termination with
8 the court. On receipt of the notice, the court shall vacate any order
9 issued under subsection (2) of this section. An individual who does
10 not notify the court of the termination of the agreement is subject
11 to sanctions.

12 NEW SECTION. **Sec. 714.** TERMINATION OF GENETIC SURROGACY
13 AGREEMENT. (1) A party to a genetic surrogacy agreement may terminate
14 the agreement as follows:

15 (a) An intended parent who is a party to the agreement may
16 terminate the agreement at any time before a gamete or embryo
17 transfer by giving notice of termination in a record to all other
18 parties. If a gamete or embryo transfer does not result in a
19 pregnancy, a party may terminate the agreement at any time before a
20 subsequent gamete or embryo transfer. The notice of termination must
21 be attested by a notarial officer or witnessed.

22 (b) A woman acting as a genetic surrogate who is a party to the
23 agreement may withdraw consent to the agreement any time before
24 forty-eight hours after the birth of a child conceived by assisted
25 reproduction under the agreement. To withdraw consent, the woman
26 acting as a genetic surrogate must execute a notice of termination in
27 a record stating the surrogate's intent to terminate the agreement.
28 The notice of termination must be attested by a notarial officer or
29 witnessed and be delivered to each intended parent any time before
30 forty-eight hours after the birth of the child.

31 (2) On termination of the genetic surrogacy agreement under
32 subsection (1) of this section, the parties are released from all
33 obligations under the agreement except that each intended parent
34 remains responsible for all expenses incurred by the woman acting as
35 a surrogate through the date of termination which are reimbursable
36 under the agreement. Unless the agreement provides otherwise, the
37 woman acting as a surrogate is not entitled to any nonexpense related
38 compensation paid for serving as a surrogate.

1 (3) Except in a case involving fraud, neither a woman acting as a
2 genetic surrogate nor the surrogate's spouse or former spouse, if
3 any, is liable to the intended parent or parents for a penalty or
4 liquidated damages, for terminating a genetic surrogacy agreement
5 under this section.

6 NEW SECTION. **Sec. 715.** PARENTAGE UNDER VALIDATED GENETIC
7 SURROGACY AGREEMENT. (1) Unless a woman acting as a genetic surrogate
8 exercises the right under section 714 of this act to terminate a
9 genetic surrogacy agreement, each intended parent is a parent of a
10 child conceived by assisted reproduction under an agreement validated
11 under section 713 of this act.

12 (2) Unless a woman acting as a genetic surrogate exercises the
13 right under section 714 of this act to terminate the genetic
14 surrogacy agreement, on proof of a court order issued under section
15 713 of this act validating the agreement, the court shall make an
16 order:

17 (a) Declaring that each intended parent is a parent of a child
18 conceived by assisted reproduction under the agreement and ordering
19 that parental rights and duties vest exclusively in each intended
20 parent;

21 (b) Declaring that the woman acting as a genetic surrogate and
22 the surrogate's spouse or former spouse, if any, are not parents of
23 the child;

24 (c) Directing the state registrar of vital statistics to list
25 each intended parent as a parent of the child on the birth record;

26 (d) To protect the privacy of the child and the parties,
27 declaring that the court record is not open to inspection except as
28 authorized under section 706 of this act;

29 (e) If necessary, that the child be surrendered to the intended
30 parent or parents; and

31 (f) For other relief the court determines necessary and proper.

32 (3) If a woman acting as a genetic surrogate terminates under
33 section 714(1)(b) of this act a genetic surrogacy agreement,
34 parentage of the child conceived by assisted reproduction under the
35 agreement must be determined under sections 101 through 523 of this
36 act.

37 (4) If a child born to a woman acting as a genetic surrogate is
38 alleged not to have been conceived by assisted reproduction, the
39 court shall order genetic testing to determine the genetic parentage

1 of the child. If the child was not conceived by assisted
2 reproduction, parentage must be determined under sections 101 through
3 523 of this act. Unless the genetic surrogacy agreement provides
4 otherwise, if the child was not conceived by assisted reproduction
5 the woman acting as a surrogate is not entitled to any nonexpense
6 related compensation paid for serving as a surrogate.

7 (5) Unless a party exercises the right under section 714 of this
8 act to terminate the genetic surrogacy agreement, the woman acting as
9 a genetic surrogate or the department of social and health services
10 division of child support may file with the court, not later than
11 sixty days after the birth of a child conceived by assisted
12 reproduction under the agreement, notice that the child has been born
13 to the woman acting as a genetic surrogate. Unless the woman acting
14 as a genetic surrogate has properly exercised the right under section
15 714 of this act to withdraw consent to the agreement, on proof of a
16 court order issued under section 713 of this act validating the
17 agreement, the court shall order that each intended parent is a
18 parent of the child.

19 NEW SECTION. **Sec. 716.** EFFECT OF NONVALIDATED GENETIC SURROGACY
20 AGREEMENT. (1) A genetic surrogacy agreement, whether or not in a
21 record, that is not validated under section 713 of this act is
22 enforceable only to the extent provided in this section and section
23 718 of this act.

24 (2) If all parties agree, a court may validate a genetic
25 surrogacy agreement after assisted reproduction has occurred but
26 before the birth of a child conceived by assisted reproduction under
27 the agreement.

28 (3) If a child conceived by assisted reproduction under a genetic
29 surrogacy agreement that is not validated under section 713 of this
30 act is born and the woman acting as a genetic surrogate, consistent
31 with section 714(1)(b), withdraws her consent to the agreement before
32 forty-eight hours after the birth of the child, the court shall
33 adjudicate the parentage of the child under sections 101 through 523
34 of this act.

35 (4) If a child conceived by assisted reproduction under a genetic
36 surrogacy agreement that is not validated under section 713 of this
37 act is born and a woman acting as a genetic surrogate does not
38 withdraw her consent to the agreement, consistent with section
39 714(1)(b) of this act, before forty-eight hours after the birth of

1 the child, the woman acting as a genetic surrogate is not
2 automatically a parent and the court shall adjudicate parentage of
3 the child based on the best interest of the child, taking into
4 account the factors in section 513(1) of this act and the intent of
5 the parties at the time of the execution of the agreement.

6 (5) The parties to a genetic surrogacy agreement have standing to
7 maintain a proceeding to adjudicate parentage under this section.

8 NEW SECTION. **Sec. 717.** GENETIC SURROGACY AGREEMENT—PARENTAGE OF
9 DECEASED INTENDED PARENT. (1) Except as otherwise provided in section
10 715 or 716 of this act, on birth of a child conceived by assisted
11 reproduction under a genetic surrogacy agreement, each intended
12 parent is, by operation of law, a parent of the child,
13 notwithstanding the death of an intended parent during the period
14 between the transfer of a gamete or embryo and the birth of the
15 child.

16 (2) Except as otherwise provided in section 715 or 716 of this
17 act, an intended parent is not a parent of a child conceived by
18 assisted reproduction under a genetic surrogacy agreement if the
19 intended parent dies before the transfer of a gamete or embryo
20 unless:

21 (a) The agreement provides otherwise; and

22 (b) The transfer of the gamete or embryo occurs not later than
23 thirty-six months after the death of the intended parent, or birth of
24 the child occurs not later than forty-five months after the death of
25 the intended parent.

26 NEW SECTION. **Sec. 718.** BREACH OF GENETIC SURROGACY AGREEMENT.
27 (1) Subject to sections 704(1)(g) and 714(2) of this act, if a
28 genetic surrogacy agreement is breached by a woman acting as a
29 genetic surrogate or one or more intended parents, the nonbreaching
30 party is entitled to the remedies available at law or in equity.

31 (2) Specific performance is not a remedy available for breach by
32 a woman acting as a genetic surrogate of a requirement of a validated
33 or nonvalidated genetic surrogacy agreement that the surrogate be
34 impregnated.

35 (3) Except as otherwise provided in subsection (2) of this
36 section, specific performance is a remedy available for:

37 (a) Breach of a validated genetic surrogacy agreement by a woman
38 acting as a genetic surrogate of a requirement which prevents an

1 intended parent from exercising the full rights of parentage forty-
2 eight hours after the birth of the child; or

3 (b) Breach by an intended parent which prevents the intended
4 parent's acceptance of duties of parentage forty-eight hours after
5 the birth of the child.

6 **SUBCHAPTER 8**
7 **INFORMATION ABOUT DONOR**

8 NEW SECTION. **Sec. 801.** DEFINITIONS. The definitions in this
9 section apply throughout sections 801 through 806 of this act, unless
10 the context clearly requires otherwise.

11 (1) "Identifying information" means:

12 (a) The full name of a donor;

13 (b) The date of birth of the donor; and

14 (c) The permanent and, if different, current address of the donor
15 at the time of the donation.

16 (2) "Medical history" means information regarding any:

17 (a) Present illness of a donor;

18 (b) Past illness of the donor; and

19 (c) Social, genetic, and family history pertaining to the health
20 of the donor.

21 NEW SECTION. **Sec. 802.** APPLICABILITY. Sections 801 through 806
22 of this act apply only to gametes collected on or after the effective
23 date of this section.

24 NEW SECTION. **Sec. 803.** COLLECTION OF INFORMATION. A gamete bank
25 or fertility clinic licensed in this state shall collect from a donor
26 the donor's identifying information and medical history at the time
27 of the donation. If the gamete bank or fertility clinic sends the
28 gametes of a donor to another gamete bank or fertility clinic, the
29 sending gamete bank or fertility clinic shall forward any identifying
30 information and medical history of the donor, including the donor's
31 signed declaration under section 804 of this act regarding identity
32 disclosure, to the receiving gamete bank or fertility clinic. A
33 receiving gamete bank or fertility clinic licensed in this state
34 shall collect and retain the information about the donor and each
35 sending gamete bank or fertility clinic.

1 NEW SECTION. **Sec. 804.** DECLARATION REGARDING IDENTITY

2 DISCLOSURE. (1) A gamete bank or fertility clinic licensed in this
3 state which collects gametes from a donor shall:

4 (a) Provide the donor with information in a record about the
5 donor's choice regarding identity disclosure; and

6 (b) Obtain a declaration from the donor regarding identity
7 disclosure.

8 (2) A gamete bank or fertility clinic licensed in this state
9 shall give a donor the choice to sign a declaration, attested by a
10 notarial officer or witnessed, that either:

11 (a) States that the donor agrees to disclose the donor's identity
12 to a child conceived by assisted reproduction with the donor's
13 gametes on request once the child attains eighteen years of age; or

14 (b) States that the donor does not agree presently to disclose
15 the donor's identity to the child.

16 (3) A gamete bank or fertility clinic licensed in this state
17 shall permit a donor who has signed a declaration under subsection
18 (2)(b) of this section to withdraw the declaration at any time by
19 signing a declaration under subsection (2)(a) of this section.

20 NEW SECTION. **Sec. 805.** DISCLOSURE OF IDENTIFYING INFORMATION

21 AND MEDICAL HISTORY. (1) On request of a child conceived by assisted
22 reproduction who attains eighteen years of age, a gamete bank or
23 fertility clinic licensed in this state which collected, stored, or
24 released for use the gametes used in the assisted reproduction shall
25 make a good faith effort to provide the child with identifying
26 information of the donor who provided the gametes, unless the donor
27 signed and did not withdraw a declaration under section 804(2)(b) of
28 this act. If the donor signed and did not withdraw the declaration,
29 the gamete bank or fertility clinic shall make a good faith effort to
30 notify the donor, who may elect under section 804(3) to withdraw the
31 donor's declaration.

32 (2) Regardless whether a donor signed a declaration under section
33 804(2)(b) of this act, on request by a child conceived by assisted
34 reproduction who attains eighteen years of age, or, if the child is a
35 minor, by a parent or guardian of the child, a gamete bank or
36 fertility clinic licensed in this state shall make a good faith
37 effort to provide the child or, if the child is a minor, the parent
38 or guardian of the child, access to nonidentifying medical history of
39 the donor.

1 agreement resides in Washington state during the term of the
2 surrogacy agreement; or (c) any medical procedures under the
3 surrogacy agreement are performed in Washington state.

4 (2) A surrogacy broker to which this section applies:

5 (a) Must keep all funds paid by or on behalf of the intended
6 parents in a separate, licensed escrow account;

7 (b) May not be owned or managed, in any part, directly or
8 indirectly by any lawyer representing a party to the surrogacy
9 agreement;

10 (c) May not pay or receive payment, directly or indirectly, to or
11 from any person licensed to practice law and representing a party to
12 the surrogacy agreement in connection with the referral of any person
13 or party for the purpose of a surrogacy agreement;

14 (d) May not pay or receive payment, directly or indirectly, to or
15 from any health care provider providing any health services,
16 including assisted reproduction, to a party to the surrogacy
17 agreement; and

18 (e) May not be owned or managed, in any part, directly or
19 indirectly, by any health care provider providing any health
20 services, including assisted reproduction, to a party to the
21 surrogacy agreement.

22 (3) For purposes of this section:

23 (a) The definitions in sections 102 and 701 of this act apply.

24 (b) "Payment" means any type of monetary compensation or other
25 valuable consideration including but not limited to a rebate, refund,
26 commission, unearned discount, or profit by means of credit or other
27 valuable consideration.

28 (c) "Surrogacy broker" includes but is not limited to any agency,
29 agent, business, or individual engaged in, arranging, or facilitating
30 transactions contemplated by a surrogacy agreement, regardless of
31 whether that surrogacy agreement ultimately comports with the
32 requirements of chapter 26.--- RCW (the new chapter created in
33 section 908 of this act).

34 NEW SECTION. **Sec. 906.** Section 905 of this act constitutes a
35 new chapter in Title 19 RCW.

36 NEW SECTION. **Sec. 907.** REPEALERS—CONFORMING AMENDMENTS. The
37 following acts or parts of acts are each repealed:

1 (1) RCW 26.26.011 (Definitions) and 2011 c 283 s 1 & 2002 c 302 s
2 102;

3 (2) RCW 26.26.021 (Scope of act—Choice of law—Surrogate
4 parentage contracts) and 2011 c 283 s 2 & 2002 c 302 s 103;

5 (3) RCW 26.26.031 (Courts of this state—Authority) and 2002 c 302
6 s 104;

7 (4) RCW 26.26.041 (Protection of participants) and 2011 c 283 s 3
8 & 2002 c 302 s 105;

9 (5) RCW 26.26.051 (Determination of parentage) and 2011 c 283 s 4
10 & 2002 c 302 s 106;

11 (6) RCW 26.26.101 (Establishment of parent-child relationship)
12 and 2011 c 283 s 5 & 2002 c 302 s 201;

13 (7) RCW 26.26.106 (No discrimination based on marital or domestic
14 partnership status) and 2011 c 283 s 6 & 2002 c 302 s 202;

15 (8) RCW 26.26.111 (Consequences of establishment of parentage)
16 and 2011 c 283 s 7 & 2002 c 302 s 203;

17 (9) RCW 26.26.116 (Presumption of parentage in context of
18 marriage or domestic partnership) and 2011 c 283 s 8 & 2002 c 302 s
19 204;

20 (10) RCW 26.26.210 (Surrogate parenting—Definitions) and 1989 c
21 404 s 1;

22 (11) RCW 26.26.220 (Surrogate parenting—Persons excluded from
23 contracting) and 2010 c 94 s 7 & 1989 c 404 s 2;

24 (12) RCW 26.26.230 (Surrogate parenting—Compensation prohibited)
25 and 1989 c 404 s 3;

26 (13) RCW 26.26.240 (Surrogate parenting—Contract for compensation
27 void) and 1989 c 404 s 4;

28 (14) RCW 26.26.250 (Surrogate parenting—Provisions violated—
29 Penalty) and 1989 c 404 s 5;

30 (15) RCW 26.26.260 (Surrogate parenting—Custody of child) and
31 1989 c 404 s 6;

32 (16) RCW 26.26.300 (Acknowledgment of paternity) and 2011 c 283 s
33 11 & 2002 c 302 s 301;

34 (17) RCW 26.26.305 (Execution of acknowledgment of paternity) and
35 2011 c 283 s 12 & 2002 c 302 s 302;

36 (18) RCW 26.26.310 (Denial of paternity) and 2011 c 283 s 13 &
37 2002 c 302 s 303;

38 (19) RCW 26.26.315 (Rules for acknowledgment and denial of
39 paternity) and 2011 c 283 s 14 & 2002 c 302 s 304;

1 (20) RCW 26.26.320 (Effect of acknowledgment or denial of
2 paternity) and 2011 c 283 s 15 & 2002 c 302 s 305;
3 (21) RCW 26.26.325 (Filing fee for acknowledgment or denial of
4 paternity) and 2002 c 302 s 306;
5 (22) RCW 26.26.330 (Proceeding for rescission of acknowledgment
6 or denial of paternity) and 2011 c 283 s 16, 2004 c 111 s 1, & 2002 c
7 302 s 307;
8 (23) RCW 26.26.335 (Challenge after expiration of time for
9 rescission of acknowledgment or denial of paternity) and 2011 c 283 s
10 17 & 2002 c 302 s 308;
11 (24) RCW 26.26.340 (Procedure for rescission or challenge of
12 acknowledgment or denial of paternity) and 2011 c 283 s 18 & 2002 c
13 302 s 309;
14 (25) RCW 26.26.345 (Ratification barred of unchallenged
15 acknowledgment of paternity) and 2002 c 302 s 310;
16 (26) RCW 26.26.350 (Full faith and credit) and 2002 c 302 s 311;
17 (27) RCW 26.26.355 (Forms for acknowledgment and denial of
18 paternity) and 2002 c 302 s 312;
19 (28) RCW 26.26.360 (Release of information) and 2011 c 283 s 19 &
20 2002 c 302 s 313;
21 (29) RCW 26.26.365 (Adoption of rules) and 2002 c 302 s 314;
22 (30) RCW 26.26.370 (Acknowledgment of paternity—Application of
23 RCW 26.26.300 through 26.26.375—Adjudication) and 2002 c 302 s 315;
24 (31) RCW 26.26.375 (Judicial proceedings) and 2011 c 283 s 20 &
25 2002 c 302 s 316;
26 (32) RCW 26.26.400 (Genetic testing—Application of RCW 26.26.405
27 through 26.26.450) and 2011 c 283 s 21 & 2002 c 302 s 401;
28 (33) RCW 26.26.405 (Order for genetic testing) and 2011 c 283 s
29 22 & 2002 c 302 s 402;
30 (34) RCW 26.26.410 (Requirements for genetic testing) and 2011 c
31 283 s 23 & 2002 c 302 s 403;
32 (35) RCW 26.26.415 (Report of genetic testing) and 2002 c 302 s
33 404;
34 (36) RCW 26.26.420 (Genetic testing results—Rebuttal) and 2011 c
35 283 s 24 & 2002 c 302 s 405;
36 (37) RCW 26.26.425 (Costs of genetic testing) and 2011 c 283 s 25
37 & 2002 c 302 s 406;
38 (38) RCW 26.26.430 (Additional genetic testing) and 2011 c 283 s
39 26 & 2002 c 302 s 407;

1 (39) RCW 26.26.435 (Genetic testing when specimen not available)
2 and 2011 c 283 s 27 & 2002 c 302 s 408;

3 (40) RCW 26.26.440 (Genetic testing—Deceased individual) and 2002
4 c 302 s 409;

5 (41) RCW 26.26.445 (Genetic testing—Identical brothers) and 2011
6 c 283 s 28 & 2002 c 302 s 410;

7 (42) RCW 26.26.450 (Confidentiality of genetic testing—Penalty)
8 and 2002 c 302 s 411;

9 (43) RCW 26.26.500 (Proceeding to adjudicate parentage
10 authorized) and 2002 c 302 s 501;

11 (44) RCW 26.26.505 (Standing to maintain proceeding to adjudicate
12 parentage) and 2011 c 283 s 29 & 2002 c 302 s 502;

13 (45) RCW 26.26.510 (Parties to proceeding to adjudicate
14 parentage) and 2011 c 283 s 30 & 2002 c 302 s 503;

15 (46) RCW 26.26.515 (Proceeding to adjudicate parentage—Personal
16 jurisdiction) and 2002 c 302 s 504;

17 (47) RCW 26.26.520 (Proceeding to adjudicate parentage—Venue) and
18 2002 c 302 s 505;

19 (48) RCW 26.26.525 (Proceeding to adjudicate parentage—No time
20 limitation: Child having no presumed or adjudicated second parent and
21 no acknowledged father) and 2011 c 283 s 31 & 2002 c 302 s 506;

22 (49) RCW 26.26.530 (Proceeding to adjudicate parentage—Time
23 limitation: Child having presumed parent) and 2011 c 283 s 32 & 2002
24 c 302 s 507;

25 (50) RCW 26.26.535 (Proceeding to adjudicate parentage—Authority
26 to deny genetic testing) and 2011 c 283 s 33 & 2002 c 302 s 508;

27 (51) RCW 26.26.540 (Proceeding to adjudicate parentage—Time
28 limitation: Child having acknowledged father or adjudicated parent)
29 and 2011 c 283 s 34 & 2002 c 302 s 509;

30 (52) RCW 26.26.545 (Joinder of proceedings) and 2011 c 283 s 35 &
31 2002 c 302 s 510;

32 (53) RCW 26.26.550 (Proceeding to adjudicate parentage—Before
33 birth) and 2011 c 283 s 36 & 2002 c 302 s 511;

34 (54) RCW 26.26.555 (Child as party—Representation) and 2011 c 283
35 s 37 & 2002 c 302 s 512;

36 (55) RCW 26.26.570 (Proceeding to adjudicate parentage—
37 Admissibility of results of genetic testing—Expenses) and 2011 c 283
38 s 38 & 2002 c 302 s 521;

1 (56) RCW 26.26.575 (Proceeding to adjudicate parentage—
2 Consequences of declining genetic testing) and 2011 c 283 s 39 & 2002
3 c 302 s 522;

4 (57) RCW 26.26.585 (Proceeding to adjudicate parentage—Admission
5 of paternity authorized) and 2011 c 283 s 40 & 2002 c 302 s 523;

6 (58) RCW 26.26.590 (Proceeding to adjudicate parentage—Temporary
7 order) and 2011 c 283 s 41 & 2002 c 302 s 524;

8 (59) RCW 26.26.600 (Rules for adjudication of parentage) and 2011
9 c 283 s 42 & 2002 c 302 s 531;

10 (60) RCW 26.26.605 (Proceeding to adjudicate parentage—Jury
11 prohibited) and 2002 c 302 s 532;

12 (61) RCW 26.26.610 (Proceeding to determine parentage—Hearings—
13 Inspection of records) and 2013 c 246 s 3 & 2002 c 302 s 533;

14 (62) RCW 26.26.615 (Adjudication of paternity—Order on default)
15 and 2002 c 302 s 534;

16 (63) RCW 26.26.620 (Dismissal for want of prosecution) and 2011 c
17 283 s 43 & 2002 c 302 s 535;

18 (64) RCW 26.26.625 (Order adjudicating parentage) and 2011 c 283
19 s 44 & 2002 c 302 s 536;

20 (65) RCW 26.26.630 (Binding effect of determination of parentage)
21 and 2011 c 283 s 45 & 2002 c 302 s 537;

22 (66) RCW 26.26.700 (Application of RCW 26.26.705 through
23 26.26.740) and 2002 c 302 s 601;

24 (67) RCW 26.26.705 (Child of assisted reproduction—Parental
25 status of donor) and 2011 c 283 s 46 & 2002 c 302 s 602;

26 (68) RCW 26.26.710 (Parentage of child of assisted reproduction)
27 and 2011 c 283 s 47 & 2002 c 302 s 603;

28 (69) RCW 26.26.715 (Consent to assisted reproduction) and 2011 c
29 283 s 48 & 2002 c 302 s 604;

30 (70) RCW 26.26.720 (Child of assisted reproduction—Limitation on
31 dispute of parentage) and 2011 c 283 s 49 & 2002 c 302 s 605;

32 (71) RCW 26.26.725 (Child of assisted reproduction—Effect of
33 dissolution of marriage or domestic partnership) and 2011 c 283 s 50
34 & 2002 c 302 s 606;

35 (72) RCW 26.26.730 (Child of assisted reproduction—Parental
36 status of deceased individual) and 2011 c 283 s 51 & 2002 c 302 s
37 607;

1 (73) RCW 26.26.735 (Child of assisted reproduction—Effect of
2 agreement between egg donor and woman who gives birth) and 2011 c 283
3 s 52 & 2002 c 302 s 608;

4 (74) RCW 26.26.740 (Child of assisted reproduction—Issuance of
5 birth certificate) and 2002 c 302 s 609;

6 (75) RCW 26.26.750 (Identifying information—Requirement to
7 provide—Disclosure) and 2011 c 283 s 53;

8 (76) RCW 26.26.760 (Sexual assault resulting in pregnancy—
9 Parental rights and responsibilities) and 2017 c 234 s 1;

10 (77) RCW 26.26.903 (Uniformity of application and construction—
11 2002 c 302) and 2011 c 283 s 54 & 2002 c 302 s 709;

12 (78) RCW 26.26.904 (Transitional provision) and 2002 c 302 s 712;

13 (79) RCW 26.26.911 (Short title—2002 c 302) and 2011 c 283 s 55 &
14 2002 c 302 s 101; and

15 (80) RCW 26.26.914 (Construction—Chapter applicable to state
16 registered domestic partnerships—2009 c 521) and 2009 c 521 s 67.

17 NEW SECTION. **Sec. 908.** LEGISLATIVE DIRECTIVE. Sections 101
18 through 903 of this act constitute a new chapter in Title 26 RCW,
19 with the following subchapters:

20 (1) Sections 101 through 107 of this act must be codified under
21 the subchapter heading "general provisions."

22 (2) Sections 201 through 206 of this act must be codified under
23 the subchapter heading "parent-child relationship."

24 (3) Sections 301 through 314 of this act must be codified under
25 the subchapter heading "voluntary acknowledgment of parentage."

26 (4) Sections 401 through 412 of this act must be codified under
27 the subchapter heading "genetic testing."

28 (5)(a) Sections 501 through 523 of this act must be codified
29 under the subchapter heading "proceeding to adjudicate parentage."

30 (b) Sections 501 through 505 of this act must be codified under
31 the subchapter heading "proceeding to adjudicate parentage" with the
32 subheading "nature of proceeding."

33 (c) Sections 506 through 514 of this act must be codified under
34 the subchapter heading "proceeding to adjudicate parentage" with the
35 subheading "special rules for proceeding to adjudicate parentage."

36 (d) Sections 515 through 523 of this act must be codified under
37 the subchapter heading "proceeding to adjudicate parentage" with the
38 subheading "hearing and adjudication."

1 (6) Sections 601 through 608 of this act must be codified under
2 the subchapter heading "assisted reproduction."
3 (7)(a) Sections 701 through 718 of this act must be codified
4 under the subchapter heading "surrogacy agreement."
5 (b) Sections 701 through 707 of this act must be codified under
6 the subchapter heading "surrogacy agreement" with the subheading
7 "general requirements."
8 (c) Sections 708 through 712 of this act must be codified under
9 the subchapter heading "surrogacy agreement" with the subheading
10 "special rules for gestational surrogacy agreement."
11 (d) Sections 713 through 718 of this act must be codified under
12 the subchapter heading "surrogacy agreement" with the subheading
13 "special rules for genetic surrogacy agreement."
14 (8) Sections 801 through 806 of this act must be codified under
15 the subchapter heading "information about donor."
16 (9) Sections 901 through 903 of this act must be codified under
17 the subchapter heading "miscellaneous provisions."

18 NEW SECTION. **Sec. 909.** This act takes effect January 1, 2019.

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