

RCW 26.26A.770 Validated genetic surrogacy agreement—Parentage.

(1) Unless a woman acting as a genetic surrogate exercises the right under RCW 26.26A.765 to terminate a genetic surrogacy agreement, each intended parent is a parent of a child conceived by assisted reproduction under an agreement validated under RCW 26.26A.760.

(2) Unless a woman acting as a genetic surrogate exercises the right under RCW 26.26A.765 to terminate the genetic surrogacy agreement, on proof of a court order issued under RCW 26.26A.760 validating the agreement, the court shall make an order:

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

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

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

(d) To protect the privacy of the child and the parties, declaring that the court record is not open to inspection except as authorized under RCW 26.26A.725;

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

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

(3) If a woman acting as a genetic surrogate terminates under RCW 26.26A.765(1)(b) a genetic surrogacy agreement, parentage of the child conceived by assisted reproduction under the agreement must be determined under RCW 26.26A.005 through 26.26A.515.

(4) If a child born to a woman acting as a genetic surrogate is alleged not to have been conceived by assisted reproduction, the court shall order genetic testing to determine the genetic parentage of the child. If the child was not conceived by assisted reproduction, parentage must be determined under RCW 26.26A.005 through 26.26A.515. Unless the genetic surrogacy agreement provides otherwise, if the child was not conceived by assisted reproduction the woman acting as a surrogate is not entitled to any nonexpense related compensation paid for serving as a surrogate.

(5) Unless a party exercises the right under RCW 26.26A.765 to terminate the genetic surrogacy agreement, the woman acting as a genetic surrogate or the department of social and health services division of child support may file with the court, not later than sixty days after the birth of a child conceived by assisted reproduction under the agreement, notice that the child has been born to the woman acting as a genetic surrogate. Unless the woman acting as a genetic surrogate has properly exercised the right under RCW 26.26A.765 to withdraw consent to the agreement, on proof of a court order issued under RCW 26.26A.760 validating the agreement, the court shall order that each intended parent is a parent of the child. [2018 c 6 s 715.]