

WAC 388-14A-3102 When the parents have signed a paternity acknowledgment, which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign a paternity acknowledgment, which may also be called an affidavit of paternity. The legal effect of the acknowledgment or affidavit depends on when it is filed, in what state it is filed, and whether both parents were over age eighteen when the acknowledgment was signed.

(2) For acknowledgments or affidavits filed on or before July 1, 1997 with the center for health statistics in the state of Washington, the division of child support (DCS) serves a notice and finding of parental responsibility (NFFR) under WAC 388-14A-3120.

(3) For acknowledgments or affidavits filed after July 1, 1997 with the center for health statistics in the state of Washington, DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115, because the acknowledgment or affidavit has become a conclusive presumption of paternity under RCW 26.26.320.

(4) For acknowledgments or affidavits filed with the vital records agency of another state, DCS determines whether to serve a NFFR or NFFR depending on the laws of the state where the acknowledgment is filed.

(5) DCS relies on the acknowledgment, even if the mother or father were not yet eighteen years of age at the time they signed or filed the acknowledgment, as provided in RCW 26.26.315(4).

(6) If, at the time of the child's birth, the mother was married or in a state registered domestic partnership and the man acknowledging paternity was not the mother's husband or domestic partner, DCS may not serve an administrative support establishment notice on the acknowledged father unless:

(a) The man to whom the mother was married also signed and filed a denial of paternity; or

(b) The mother's domestic partner also signed and filed a denial of paternity.

(7) If the acknowledgment or affidavit is legally deficient in any way, DCS may refer the case for paternity establishment in the superior court.

(8) If the mother is the noncustodial parent, DCS serves a NFFR.

[Statutory Authority: 2011 c 283, RCW 34.05.220, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.055, 74.20A.056, and 74.20A.310. WSR 12-01-002, § 388-14A-3102, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 26.26.315, 26.26.320, 26.26.330, 26.26.335, 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310. WSR 05-12-136, § 388-14A-3102, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. WSR 03-17-013, § 388-14A-3102, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. WSR 00-15-016 and 00-20-022, § 388-14A-3102, filed 7/10/00 and 9/25/00, effective 11/6/00.]