

WAC 388-14A-8300 Who pays for genetic testing when paternity is an issue?

(1) As provided in WAC 388-14A-3120(14), the noncustodial parent (NCP) and/or the mother of the child may request genetic testing, also called paternity tests, after the service of a notice and finding of parental responsibility.

(2) After receiving a request for paternity tests, the division of child support (DCS) must:

(a) Arrange and pay for the genetic testing, except as provided in subsection (6) of this section, with a laboratory under contract with the department; and

(b) Notify the NCP and the mother of the time and place to appear to give blood samples.

(3) After DCS receives the test results, DCS must mail a notice of the test results to the:

(a) NCP's last known address by certified mail, return receipt requested; and

(b) Mother's and/or custodial parent's last known address by first class mail.

(4) When the genetic tests do not exclude the NCP from being the father, DCS may require the NCP to reimburse the department for the costs of the tests. If DCS seeks reimbursement from the NCP, DCS must notify the NCP:

(a) Of the costs of the tests;

(b) That an administrative order entered as a result of the notice and finding of parental responsibility will include the cost of the tests; and

(c) That DCS may take collection action to collect the genetic testing costs twenty days after the date the NCP receives notice in Washington, or within the time specified in WAC 388-14A-7200, of the test results if the NCP fails to:

(i) Request either a hearing on the issue of reimbursement to DCS for genetic testing costs under WAC 388-14A-3120 or the initiation of a parentage action in superior court; or

(ii) Negotiate an agreed settlement; and

(d) That if the notice and finding of parental responsibility was served in another state, DCS may take collection action according to WAC 388-14A-7200.

(5) When the paternity tests exclude the NCP from being the father, DCS must:

(a) File a copy of the results with the state center for health statistics;

(b) Withdraw the notice and finding of parental responsibility; and

(c) Request the dismissal of any pending action based on the notice and finding of parental responsibility.

(6) RCW 74.20A.056 does not require DCS to arrange or pay for genetic testing when:

(a) Such tests were previously conducted; or

(b) A court order establishing paternity has been entered.

(7) In an intergovernmental case where DCS is the responding jurisdiction, DCS pays the costs of genetic testing for the initiating jurisdiction and may seek reimbursement from the NCP as provided in this section.

[Statutory Authority: RCW 26.23.120, 34.05.350 (1)(b), 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310 and 45 C.F.R. Parts 301.1, 302.36, 303.7, 303.11, 305.63, and 308.2. WSR 13-01-075, §

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RCW 74.08.090, 74.20A.055, 74.20A.056. WSR 01-03-089, § 388-14A-8300,
filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-048 and
388-11-220.]