

Chapter 26.20 RCW
FAMILY ABANDONMENT OR NONSUPPORT

Sections

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Child support enforcement: Chapter 26.18 RCW.

Child support registry: Chapter 26.23 RCW.

Council for children and families: Chapter 43.121 RCW.

Uniform interstate family support act: Chapter 26.21A RCW.

RCW 26.20.030 Family abandonment—Penalty—Exception. (1) Except as provided in subsection (2) of this section, any person who has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it is guilty of the crime of family abandonment.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) The crime of family abandonment is a class C felony under chapter 9A.20 RCW. [2002 c 331 § 6; 1984 c 260 § 26; 1973 1st ex.s. c 154 § 34; 1969 ex.s. c 207 § 2; 1955 c 249 § 1; 1953 c 255 § 1; 1943 c 158 § 1; 1913 c 28 § 1; Rem. Supp. 1943 § 6908. Prior: 1907 c 103 § 1, part.]

Intent—Effective date—2002 c 331: See notes following RCW 13.34.360.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Leaving children unattended in parked automobile: RCW 9.91.060.

RCW 26.20.035 Family nonsupport—Penalty—Exception. (1) Except as provided in subsection (2) of this section, any person who is able to provide support, or has the ability to earn the means to provide support, and who:

(a) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon him or her; or

(b) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to his or her spouse or his or her domestic partner,

is guilty of the crime of family nonsupport.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) The crime of family nonsupport is a gross misdemeanor under chapter 9A.20 RCW. [2008 c 6 § 1040; 2002 c 331 § 7; 1984 c 260 § 27.]

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

Intent—Effective date—2002 c 331: See notes following RCW 13.34.360.

RCW 26.20.071 Evidence—Spouse or domestic partner as witness. In any proceedings relating to nonsupport or family desertion the laws attaching a privilege against the disclosure of communications between spouses or domestic partners shall be inapplicable and both spouses or domestic partners in such proceedings shall be competent witnesses to testify to any relevant matter, including marriage, domestic partnership, and parentage. [2008 c 6 § 1041; 1963 c 10 § 1.]

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

Uniform criminal extradition act: Chapter 10.88 RCW.

RCW 26.20.080 Proof of wilfulness—Application of penalty provisions. Proof of the nonsupport of a spouse or domestic partner or of a child or children, or the omission to furnish necessary food, clothing, shelter, or medical attendance for a spouse or domestic partner, or for a child or children, is prima facie evidence that the nonsupport or omission to furnish food, clothing, shelter, or medical attendance is wilful. The provisions of RCW 26.20.030 and 26.20.035 are applicable regardless of the marital or domestic partnership status of the person who has a child dependent upon him or her, and regardless of the nonexistence of any decree requiring payment of support or maintenance. [2008 c 6 § 1042; 1984 c 260 § 28; 1973 1st ex.s. c 154 § 36; 1913 c 28 § 3; RRS § 6910. Formerly RCW 26.20.080 and 26.20.090.]

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.