

RCW 26.38.110 Prohibited custody transfer. (1) Except as provided in subsection (2) of this section, a parent or guardian of a child or an individual with whom a child has been placed for adoption may not transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child.

(2) A parent or guardian of a child or an individual with whom a child has been placed for adoption may transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child only through:

(a) A judicial award of custody under chapter 11.130 or 13.34 RCW or this title;

(b) Placement by or through a child-placing agency;

(c) A judicial award of custody or other action in a tribal court; or

(d) Transfer of a newborn to a qualified person under RCW 13.34.360.

(3) A person may not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person knows or reasonably should know the transfer violates subsection (1) of this section. This prohibition does not apply if the person, as soon as practicable after the transfer, notifies the department or law enforcement of the transfer or takes appropriate action to establish custody under subsection (2) of this section.

(4) Violation of this section is a gross misdemeanor.

(5) Violation of subsection (1) of this section is not established solely because a parent or guardian that transfers custody of a child or makes a delegation pursuant to RCW 11.130.145 does not regain custody.

(6) For purposes of this section, "abandon" has the same meaning as "abandoned" in RCW 13.34.030. [2022 c 88 § 202.]