

RCW 70.58A.130 Court-ordered registration of a delayed report of live birth—Petition and hearing requirements—Burden and standard of proof.

(1) If the state registrar denies a delayed report of live birth under the provisions of RCW 70.58A.120, the individual requesting the delayed report of live birth may petition a court of competent jurisdiction for an order establishing a record of the name, date, and place of the live birth, and parentage of the individual whose live birth is to be registered.

(2) The petition must allege:

(a) The individual for whom a delayed report of live birth is sought was born in state;

(b) No report of live birth of the individual can be found in the vital records system;

(c) Diligent efforts by the petitioner have failed to obtain the evidence required in accordance with RCW 70.58A.120; and

(d) The state registrar has denied a delayed report of live birth.

(3) The petition must be accompanied by a statement of the state registrar made in accordance with RCW 70.58A.120 and all documentary evidence to support such registration which was filed with the state registrar.

(4) The court shall fix a time and place for hearing the petition. The petitioner shall serve the state registrar with notice of the time and place for hearing and shall include with such notice the petition filed with the court. The petitioner shall give the state registrar notice at least thirty calendar days prior to the date set for the hearing.

(5) The state registrar, or the state registrar's designee, may present at the hearing any information the state registrar believes will be useful to the court. The state registrar is not required to attend or appear for the hearing, and the court may proceed without the state registrar if the state registrar does not appear at the designated time and place set for hearing in the notice.

(6) The burden of proof is on the petitioner.

(7) If the court finds, by clear and convincing evidence, that the individual for whom a delayed report of live birth is sought was born in state, the court shall issue an order requiring the state registrar to establish a delayed record of live birth. This order must include, at a minimum, the following findings:

(a) The full name, city and county of live birth, and birthdate to be registered of the individual whose live birth is to be registered;

(b) The full name, state or country of birth, and date of birth of the individual who gave birth; and

(c) A statement of the evidence relied on by the court in making the order.

(8) The clerk of the court shall forward the order to the state registrar within five business days after the order is entered.

(9) The state registrar shall register the live birth upon receipt of an order to register a delayed report of live birth from a court of competent jurisdiction, and must include the court case number and the date of the order in the vital record. [2019 c 148 § 12.]