

RCW 26.26A.740 Gestational surrogacy agreement—Parentage. (1)

Except as otherwise provided in subsection (3) of this section or RCW 26.26A.745(2) or 26.26A.755, on birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, each intended parent is, by operation of law, a parent of the child.

(2) Except as otherwise provided in subsection (3) of this section or RCW 26.26A.755, neither a woman acting as a gestational surrogate nor the surrogate's spouse or former spouse, if any, is a parent of the child.

(3) If a child is alleged to be a genetic child of the woman who agreed to be a gestational surrogate, the court shall order genetic testing of the child. If the child is a genetic child of the woman who agreed to be a gestational surrogate, parentage must be determined based on RCW 26.26A.005 through 26.26A.515.

(4) Except as otherwise provided in subsection (3) of this section or RCW 26.26A.745(2) or 26.26A.755, if, due to a clinical or laboratory error, a child conceived by assisted reproduction under a gestational surrogacy agreement is not genetically related to an intended parent or a donor who donated to the intended parent or parents, each intended parent, and not the woman acting as a gestational surrogate and the surrogate's spouse or former spouse, if any, is a parent of the child, subject to any other claim of parentage. [2018 c 6 § 709.]