

RCW 26.26A.755 Gestational surrogacy agreement—Effect. (1) A gestational surrogacy agreement that complies with RCW 26.26A.705, 26.26A.710, and 26.26A.715 is enforceable.

(2) If a child was conceived by assisted reproduction under a gestational surrogacy agreement that does not comply with RCW 26.26A.705, 26.26A.710, and 26.26A.715, the court shall determine the rights and duties of the parties to the agreement consistent with the intent of the parties at the time of execution of the agreement. Each party to the agreement and any individual who at the time of the execution of the agreement was a spouse of a party to the agreement has standing to maintain a proceeding to adjudicate an issue related to the enforcement of the agreement.

(3) Except as expressly provided in a gestational surrogacy agreement or subsection (4) or (5) of this section, if the agreement is breached by the woman acting as a gestational surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity.

(4) Specific performance is not a remedy available for breach by a woman acting as a gestational surrogate of a provision in the agreement that the gestational surrogate be impregnated.

(5) Except as otherwise provided in subsection (4) of this section, if an intended parent is determined to be a parent of the child, specific performance is a remedy available for:

(a) Breach of the agreement by a woman acting as a gestational surrogate which prevents the intended parent from exercising immediately on birth of the child the full rights of parentage; or

(b) Breach by the intended parent which prevents the intended parent's acceptance, immediately on birth of the child conceived by assisted reproduction under the agreement, of the duties of parentage.
[2018 c 6 § 712.]