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SENATE BILL 6301

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State of Washington

58th Legislature

2004 Regular Session

By Senator Prentice

Read first time 01/16/2004. Referred to Committee on Children & Family Services & Corrections.

1 AN ACT Relating to proceedings to adjudicate parentage; and  
2 amending RCW 26.26.530.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.26.530 and 2002 c 302 s 507 are each amended to  
5 read as follows:

6 (1) Except as otherwise provided in subsections (2) and (3) of this  
7 section, a proceeding brought by a presumed father, the mother, or  
8 another individual to adjudicate the parentage of a child having a  
9 presumed father must be commenced not later than two years after the  
10 birth of the child.

11 (2) A proceeding seeking to disprove the father-child relationship  
12 between a child and the child's presumed father may be maintained at  
13 any time if the court determines that:

14 (a) The presumed father and the mother of the child neither  
15 cohabited nor engaged in sexual intercourse with each other during the  
16 probable time of conception; and

17 (b) The presumed father never openly treated the child as his own.

18 (3) A proceeding to disprove the father-child relationship between  
19 a child and the child's presumed father may be maintained at any time

1 if results from genetic testing administered within ninety days prior  
2 to the proceeding find that there is zero percent probability that the  
3 presumed father is the father of the child and the court determines  
4 that:

5 (a) The genetic test was properly conducted and meets the  
6 requirements of RCW 26.26.400 through 26.26.450;

7 (b) The presumed father has not adopted the child;

8 (c) The child was not conceived by artificial insemination while  
9 the presumed father and the child's mother were in wedlock;

10 (d) The presumed father did not act to prevent the biological  
11 father of the child from asserting his paternal rights with respect to  
12 the child; and

13 (e) The presumed father with knowledge that he is not the  
14 biological father of the child has not:

15 (i) Married the mother of the child and voluntarily assumed the  
16 parental obligation and duty to pay child support;

17 (ii) Acknowledged his paternity of the child in a sworn statement;

18 (iii) Been named as the child's biological father on the child's  
19 birth certificate with his consent;

20 (iv) Been required to support the child because of a written  
21 voluntary promise;

22 (v) Received written notice from the department of social and  
23 health services, any other state agency, or any court directing him to  
24 submit to genetic testing which he disregarded;

25 (vi) Signed an acknowledgment of paternity; or

26 (vii) Proclaimed himself to be the child's biological father.

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