

# FINAL BILL REPORT

## E2SHB 1267

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Synopsis as Enacted

**Brief Description:** Clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage.

**Sponsors:** House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Pedersen, Walsh, Jinkins, Eddy, Roberts, Kagi, Sullivan, Van De Wege, Hurst, Goodman, Orwall, Moeller, Kirby, Frockt, Carlyle, Lias, Kenney, Clibborn, Seaquist, Blake, Hudgins, Fitzgibbon, Darneille, Dunshee, Morris, Takko, Pettigrew, Finn, Billig, Hunter, Cody, Dickerson, Stanford, Springer, Reykdal, Haigh, Rolfes, Sells, Jacks, Appleton, Hunt, Maxwell, Ryu, Ormsby, Ladenburg, McCoy, Santos, Lytton, Moscoso, Upthegrove, Green, Hasegawa and Tharinger; by request of Washington State Bar Association).

**House Committee on Judiciary**

**House Committee on General Government Appropriations & Oversight**

**Senate Committee on Government Operations, Tribal Relations & Elections**

### **Background:**

Washington's Uniform Parentage Act (UPA) is based on model legislation from the National Conference of Commissioners on Uniform State Laws (NCCUSL). The NCCUSL amended its model act in 2002 and Washington has not yet adopted those changes.

Under the UPA, parentage may be established based on a presumption, signed acknowledgment, or adjudication. A person is a presumed parent if the child was born in the context of marriage. A person is an acknowledged parent if the person signs an acknowledgment of paternity that is later filed with the State Registrar of Vital Statistics. A person is an adjudicated parent if the person's parentage was determined in a court proceeding.

The procedures for challenging parentage vary depending on whether the child has a presumed, acknowledged, or adjudicated parent. Generally, a challenge must be brought within two years after the child's birth, and parentage may be disproved by admissible results of genetic testing. There are specific procedures for when genetic testing may be ordered and when a motion for genetic testing may be denied.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 2009 legislation was enacted adding language to the UPA stating that terms such as spouse, marriage, husband, and wife used in the UPA must be interpreted to apply equally to domestic partners, to the extent that such interpretation does not conflict with federal law. In addition, gender-specific terms must be construed to be gender neutral.

**Summary:**

The UPA is amended to specifically reference state-registered domestic partnerships in various provisions and to specify that the UPA applies to persons of the same sex who have children together to the same extent it applies to opposite sex couples who have children together. However, acknowledgments of paternity apply only when there is a mother and a man claiming to be the genetic father of the child. Gender-specific terms are replaced with gender-neutral terms. Some of the changes made by the NCCUSL are adopted, including a new provision for the presumption of parentage. A person is a presumed parent if, for the first two years of the child's life, the person resided in the same home with the child and openly held out the child as his or her own.

The time period under which a person may challenge parentage is extended from two years to four years. If an action to challenge parentage is commenced more than two years after the child's birth, the child must be made a party to the action. If a person signed an acknowledgment or denial of paternity when the person was a minor, the person may commence an action to rescind the acknowledgment or denial up until the date of his nineteenth birthday.

Provisions on genetic testing do not apply when the child is conceived through assisted reproduction. A person who provides gametes for or consents to assisted reproduction with another person with the intent to be the parent of the child is the parent of the resulting child. The parentage of a child conceived through assisted reproduction may be disproved by admissible evidence showing the intent of the parents.

A child conceived through assisted reproduction who is at least 18 years old must be provided, upon the child's request, access to medical history information of the donor and, in some cases, access to identifying information of the donor.

**Votes on Final Passage:**

House	57	41	
Senate	27	21	(Senate amended)
House			(House refused to concur)
Senate	27	21	(Senate amended)
House	57	40	(House concurred)

**Effective:** July 22, 2011